

NEWINGTON TOWN PLAN AND ZONING COMMISSION

January 9, 2008

Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

**I. ROLL CALL**

Commissioners Present

Commissioner Correll  
Commissioner Fox (7:10)  
Chairman Hall  
Commissioner Kornichuk  
Commissioner Ganley  
Commissioner Camerota  
Commissioner Niro

Commissioners Absent

Commissioner Pane  
Commissioner Pruett  
Commissioner Schatz

Staff Present

Ed Meehan, Town Planner

Commissioner Camerota was seated for Commissioner Pruett, Commissioner Niro for Commissioner Pane and Commissioner Ganley for Commissioner Schatz.

Chairman Hall: At this time, I am going to turn the chairman position over to Russ Correll, I am going to recuse myself from Petition 47-07.

**II. PUBLIC HEARINGS**

- A. **PETITION 47-07 – 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111, owner and applicant, attention John Scelza, request for six (6) lot Subdivision R-20 Zone. Continued from December 12, 2007. (Commission field trip held December 27, 2007.)**

Vice-Chairman Correll: Are the parties here pertaining to this petition?

Alan Bongiovanni: Yes.

Vice-Chairman Correll: Go ahead.

Alan Bongiovanni: Good evening, for the record, my name is Alan Bongiovanni, representing the applicant in this petition before you for a subdivision of six lots on the east side of Culver Street. This is a continuation of a public hearing on December 27<sup>th</sup>, there was a field trip, I believe most of you present tonight were in attendance, I don't know that there is much in the audience other than the applicant that was there, but hopefully we can conclude the public hearing. At that time I

walked Commissioners through the area really in question, there is an area of the property, it's about ninety feet in length east to west from the toe of slope at about 230, 210 to the top of slope, about 240, it's currently at a three to one slope. There is a section of our regulations that talks about land at fifteen percent or greater may be considered unusable. It is our position that half of that slope is to be left in its current condition, wooded and not disturbed and then by removing about eight foot from the top of the hill, to accommodate the house site, you would be eliminating the other portion of the site. This site is about 1400 plus feet from east to west. I personally think it's unfair to characterize a ninety foot section or probably seven or eight percent of that depth because there is a steep increase or a quick increase as portions of this property as being unusable.

I made a couple of little diagrams, or aids for the last public hearing that we attended. The existing grade representing a three to one slope, it's a thirty percent slope, it's twice what the regulations say may be considered as unsuitable at fifteen percent. That is thirty percent, that's a three to one slope. Our regulations in the Town of Newington allow grading to a two to one slope, which is significantly steeper, but it is not uncommon. When property is developed, you encounter all types of situations. It's not just the existing conditions that you need to look at, but what the end result is going to be. We are not creating an unsafe situation. We are not working with something that is insurmountable. It is, as I said, taking about eight feet off the top of the hill, and I think most of you have some history in the Town of Newington, that whole side of the Berlin Turnpike was a rock pile. Most everything up there was carved out of the rock. The slopes that existed prior to that development were far more severe than what we have on this site. To that end, in recent times, the development to the south, to the north, Rockledge Development, this slope continues. This goes from a three to one slope as it approaches Rockledge, it goes to almost a one to one slope immediately adjacent, between the two houses that were built in that area. The Commission felt that that was suitable to develop, a far steeper piece of property than we are presenting to you tonight. I don't believe this should be considered something that is not buildable and to take Lot #4 off the table. It meets all the design criteria that we have as far as area, setbacks, width. We have shown a house that is very typical of what may be built there, 71 x 32 plus a twelve foot deck, we still have a fifty foot usable rear yard before you get to a wooded area and a three to one slope that will be, you know will drop probably about sixteen, eighteen feet, wooded. We have added these boxes at the request of the engineering department, a 30 x 30 usable area, showing that they are easily accommodated on each of the lots, we've also revised the houses on the east side of the road to reflect a larger footprint. When we originally submitted the plans we just took what were the footprints of the existing houses to the south, and just perpetuated them. Mr. Meehan's comment was, use a more updated plan, house plan typical of what may be built today, so that is what we have done. These larger footprints still accommodate the grading as proposed on the subdivision plan.

I don't know if anybody has any comments. I think at this point I would like to answer them. This subdivision I believe meets and or exceeds all of the regulations of the Town of Newington. We are asking for a waiver of one section of the subdivision regulation that calls for the ratio of depth to width at two and a half to one, because of the unique configuration of this property. These lots have to be deep. There is additional land back there, there's several ways to handle that. We know several neighbors have expressed interest in possibly expanding their yards and using or buying some of that land to expand their yards, we think that is the most probable use for that additional land, but as proposed before you, it is intended to be part of those lots. There is no provision in our regulation to allow further subdivision of those lots, there is no provision in our regulations for interior or rear lots anymore. So what we are proposing, by our regulations today, is the maximum density or the maximum build out of that piece of property. With that, I would be happy to answer any questions.

Vice-Chairman Correll: Questions from the Commissioners?

Commissioner Ganley: Absent the finalized engineering portion, drainage, etc., of that property I can't think of anything else we can get out of this which will enable us to make a decision.

Vice-Chairman Correll: Any other comments by Commissioners?

Alan Bongiovanni: Mr. Chairman, I would like to add for the record, we have received the town comments, engineering and planning comments. We have incorporated many of them already into the plans, I have copies of the plans for the Planner. We need I think just one additional meeting with engineering staff. Most of the comments were technical in nature, we have no objection to them. I think it's more clerical in nature, and we will be doing that hopefully in the next week.

Vice-Chairman Correll: Town Planner Meehan?

Ed Meehan: Mr. Chairman, I have not seen what the applicant's land surveyor has presented to you tonight. I have had discussions with him, so I will sort of look at the proposed plans that are on the board tonight, as well as what Alan is bringing in, to see how the larger footprints and the grading that is observed on these plans match what prior staff reports and what the engineering staff and myself have been talking about. In addition to the issue of Lot #4, the slope and the grading, there were some comments that I think we talked about on the field trip, and they are more site management construction project type comments of like, there is a haul road out to Culver, over proposed Lot #4, the back of it, rather than going out to Rockledge.

Alan Bongiovanni: It is the intention of the developer to make that available, and we'll say, as long as possible. It makes sense for everybody involved to haul out of that area. If those are the first two lots to be sold, that may be restricted, but it is the intention to use it as long as possible. If the four lots to the west, off of what would be the extension of Shady Hill Lane go, then I would say all of that rock is going to go out through Culver Street.

Ed Meehan: Could you take a minute and just describe a little bit more about the sequence for blasting and rock removal and quantities, if you have that information?

Alan Bongiovanni: The, as I had mentioned to the Commissioners before we finished the field trip, the first thing that would get done before any of these house sites would be constructed would be the construction of the road. That's roughly at grade. There may be some blasting and excavation to accommodate the extension of the sewer and the storm sewer, but no significant cut or fill. If there was an excess of a few hundred yards I would be surprised, and probably just left on the site until a house was to be developed, and then as the lots would be sold, they would get developed. We have talked about suggestions that we had heard of possibly pre-blasting the house sites, it's really a catch-22. You don't know how big or where those houses are going to go, so you may spend an awful lot of time, money and effort blasting a hole in the ground that may never get utilized. So it's really not practical to do that. If this was a condominium development where we knew what the end result was going to be and where it was going to be, that's different. These have to be done at different times, unless you know, the moon was aligned perfectly and everybody was in agreement and the schedules were together, so we can't represent that it would all be done at once, but we estimate the plan, as shown including basements, roadway, yard excavations, somewhere in the neighborhood of about 7,000 cubic yards of material, excess material being generated on this site.

Ed Meehan: The other comment that I would put into the record, was a remark made by I think one of the neighbors and maybe by the applicant of this issue with the rear portion of Lot #5 and the neighbors who have frontage on Rockledge, buying parts of that and maybe shifting the conservation easement, the cutting limit easement which extends along the back of their

properties. That could become a difficult, at least shifting the easement part of it, unless there was some uniformity in it, because if one neighbor buys into Lot #5, and the next guy over doesn't, you are going to have an irregular property line, so I think before any decision or any consideration is made of shifting that conservation area that there be a better understanding of what neighbors are going to possibly participate in this, or just leave it alone. The owner of Lot #5 can sell off property as long as he maintains a legal building lot, but to start coming back and moving that easement around, could get very difficult. I don't know how you could do it, you'd have to hop-scotch up and down that street with the easement line. That's all I have. There was only one neighbor there who mentioned it, Mr. Darr I think was the neighbor.

Alan Bongiovanni: I know that the applicant has had conversations with a couple of people, I would suggest, and we are talking about something that may happen, this Commission would have to be the body to allow either removal or relocation of the easement, and at that time, they could, the applicant comes in and says, we would like to distribute that excess land. This is our proposal, then you would have the opportunity to do it.

Ed Meehan: We'd have to look at that, and it would also have to go to the Town Council for easement approval. That's all I have.

Vice-Chairman Correll: Any other Commissioners want to ask questions, or comments?

Commissioner Ganley: If we don't close it tonight, when would we close it, wait for the final engineering report to come back, or close it...I'm just thinking procedurally.

Ed Meehan: Procedurally this hearing, the Commission was granted an extension back in your meeting of December 12<sup>th</sup>, to get your site walk in and to keep the hearing open through tonight. The Commission has sixty-five days of various extensions that they can use, and you have used twenty-one of those sixty-five days, so you have forty-four days left either to extend this hearing or to extend a decision following a close of this hearing. I don't think, and I'll just speak from a technical point of view, of leaving this open, you are going to get any more real technical comments from staff, you know, the footprints of the building may be a little bit bigger, so we'll look at that, how it effects grading. My comments from the planning, design point of view aren't going to change, the Town Engineer's comments on the drainage point of view I don't think are going to change to much, so technically, you are not going to have a lot of comments that warrant, from my point of view keeping the hearing open. I don't know, you haven't heard from neighbors yet, so, neighbors may want additional time. With the consent of the applicant, you do have up to forty-four days to keep this going.

Commissioner Ganley: Thank you.

Vice-Chairman Correll: Any other questions or comments from Commissioners? Anybody from the public like to speak in favor of this petition? Anybody like to speak against this petition? Anybody who would just like to speak, or make comments?

Howard Herman, 248 Culver Street: I live right next door to the property and I haven't made it to any of these meetings and basically I'm curious in the event that this does get all approved what kind of impact it is going to have to me and my family personally and our residence. I'm basically asking that question?

Alan Bongiovanni: If I could, you questions get directed to the Chairman, and then when you are completed, then we would rebut, or provide an answer.

Vice-Chairman Correll: Do you want to answer that question?

Alan Bongiovanni: Sure. Mr. Herman would be the property just south of the Jaset house, which is shown on the plan on Culver Street. The net affect of this development on this house is that, abutting him, either the existing house would remain and either get enhanced or enlarged, or possibly replaced with a newer style home. Other than that, there is no grading or drainage that affects this property. That property is basically an existing developed lot that will remain in its current state, so I don't know that there will be any detrimental affect. On a positive note, you might have a great neighbor that strikes up a good friendship and live happily ever after.

Howard Herman: Okay. Thank you very much.

Vice-Chairman Correll: Anybody else from the public who would like to speak, make comments?

Ed Meehan: Just to let the public know, Mr. Howard, these plans are available for your review if you want to come in and look at them. The only thing that you are going to see different on Culver Street, along the town right of way is some grading for a sidewalk. A sidewalk is going to be, if this is approved, extended southerly across the front of the Jaset property, terminated at your property line.

Commissioner Ganley moved that the public portion of the hearing be closed. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YES.

Vice-Chairman Correll: Motion carried.

**B. Petition 54-07 – Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 3.15.4 Restaurant use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill CT 06067.**

Attorney Peter Alter: Good evening, for the record my name is Peter Alter, I'm a lawyer and practice law in Glastonbury and along with Mr. Bongiovanni and Mr. Baltramaitis, we're going to present the application subject of this public hearing for a special exception to develop a small restaurant with a drive through service window as shown on the plans that have been submitted as part of this application.

This is a site that anybody who drives up and down the Berlin Turnpike is familiar with. It's located northerly of the Wendy's site and on the easterly side of the Berlin Turnpike, accessing from the northbound lanes. It is also southerly of the site that is currently under development where the former drive-in theater was, right at the top of the hill there. Currently there are multi-family residences being constructed on that site. This site consists of property actually located in two zones, the front of the property, about 3.3 plus or minus acres, is located in the B-BT Zone, and the rear portion of the property which is about 4.4 acres is in an R-12 Zone as shown on the plans as prepared by Mr. Bongionvanni's firm. Our development takes place in the commercial zone, the B-BT Zone, and as I indicated, we propose to develop a 2285 square foot restaurant with a drive through also as shown on the plan, and that requires a special exception under the Newington Zoning Regulations.

This site had previously been presented to this Commission and approved for development of an office building that was somewhat slightly larger than the building that we are proposing now, although for a different use and some development of the site had taken place. Those of you who have been out to the site or had an opportunity to look at it recently know that a driveway entrance was constructed in the area where we show the driveway on the present plan as well as the commencement of excavation opportunities. We have a photograph that was taken fairly recently, we'll put a copy up so the public can see it, and also provide a copy to the Commission

as well as for the record. It shows the site really in its present condition which is that development was commenced and then interrupted. The development on the site, including the driveway access which was approved by the DOT in its present location was never completed so the application before you tonight is an opportunity to take a site that has been left in a condition shown in the photographs and develop it into a productive site for use that is appropriate for the zone that exists on this side of the Berlin Turnpike.

Under Section 3.15.4 of your Zoning Regulations, the restaurant with the drive through window as we propose it is permitted by way of a special exception and our intention tonight is to demonstrate to you that we meet all of the requirements set out in your regulation to satisfy the Commission that it would be appropriate to grant the special exception in as much as we believe that we can satisfy that criteria. I'm going to ask Mr. Bongiovanni first to address a couple of the items under 3.15.4. We have had the opportunity to review Mr. Meehan's memo, as well as engineering comments, and both Al and Rob will address those in their information provided to the Commission. We will then move to Mr. Baltramaitis. Mr. Meehan, it's my understanding that our traffic engineer submitted a number of copies of the traffic report.

Ed Meehan: Yes, Commission members have them.

Attorney Alter: I want to make sure that one of them finds its way into the record. If you need more, I can provide it. Mr. Baltramaitis, who is our traffic engineer will address those issues. Once that presentation is completed I will briefly review the other considerations required under the regulation and then obviously be happy to answer any questions that the Commission has or may come up by public comment. So I will ask Alan to proceed.

Alan Bongiovanni: Thank you Peter. Good evening, again for the record, Alan Bongiovanni, 170 Pane Road here in Newington. We're trying to limit this to special exception requirements as we are coming back later in the agenda for the site plan, so my comments will be brief. You have five criteria under Section 3.15.4 of your regulations that talk about things or criteria that we have to meet in order to gain a special exception for a restaurant with the drive through. The easiest one, which is item E, total impervious lot coverage shall not exceed sixty percent and verified on the site plan. Since we just received the Town Planner's comments recently, we haven't had a chance to address everything, but I have some plans to submit to the Commission for staff review that I believe address most of the engineering and Planner's comments. We've included this impervious coverage verification and stated on the plans. The entire site is 6.2 percent impervious coverage. We have a 2300 square foot building with drive parking around it. It's a small portion of the site. A vast portion of the site or more than half of the site is in the R-12 Zone and that is land that we will not be touching with this development with the exception of probably some re-grading. If you look at just what is in the B-BT Zone, we are 13.9 percent impervious coverage which you regulation permits up to sixty percent, so we are well within that regulation, no matter how you look at it.

Going in reverse order, the second item I'm going to address, D, restaurant buildings shall be located not less than 300 feet from any adjacent residences. Mr. Meehan's comment was, standard was not met, provide a radius, adjacent Newington Ridge residential units with 300 foot separation. There are units that are approved, but not yet built, or not even started to be constructed at the time the application was filed. The closest unit, if these were all built today would be about 175 feet from edge of building to edge of building. Two foundations are in the ground now. This is a site plan provided by Mr. Meehan, we scanned it in the computer and aligned it up with the site plan that we are proposing, it actually has some of Mr. Meehan's notes on it, and his radius line. Our site including the driveway and building are at about 320 feet, the building is about 320 feet in actual radius from the building to the edge of our parking meets the 300 foot radius, so, we believe we are well outside that 300 foot separation. We did look at the definition of residence in the zoning regulations, we don't have one, but we do have a dwelling

and the foundations probably meet the intent of what a dwelling is, but since the other portions of the site are not developed, and there are no buildings or no components of the building built that we feel that we are well within the regulations.

Item C, drive through window location must be on the side of the building, we're proposing it on the north side of the building.

Items A and B, Mr. Baltramaitis I think would be best suited to present those items as part of his traffic report. Thank you.

Robert Baltramaitis: Good evening, my name is Rob Baltramaitis and I'm a consulting engineer and a professional engineer in the State of Connecticut. I'm retained by the applicant to prepare a traffic impact study for this development. I summarized my findings in a report dated January 2, 2008. I see that you have them in front of you. I'd like to briefly go through and summarize the findings and of course answer any questions that you may have. The goal of a traffic impact study is to determine the impact that the project is going to have on the adjacent roadway network. We do that by analyzing existing and full development traffic conditions. Existing conditions of course are what is happening today, and full development is what is going to happen in the future at the time that our project is completed and all of our full development site traffic is added to the adjacent roadway network.

I've gone out and done field reconnaissance to determine the existing conditions in the site vicinity. As you know, we are located along the Berlin Turnpike, northbound direction, between Kitts Lane to the south, and Route 287 to the north. It's a three lane section, northbound. I also obtained existing traffic volume data from the Connecticut Department of Transportation. They actually have a count station right in this vicinity with recent volumes. This section of the Berlin Turnpike carries approximately 38,000 vehicles per day in both directions and during the p.m. peak hour about 1800 vehicles in each direction. It's pretty evenly split.

To determine the full development volumes, we use a publication entitled Trip Generation, published by the Institute of Transportation Engineers or ITE. It's currently in its seventh edition and is a compilation of studies that compares the trip generation of different land uses with some tangible facet of the land use. For example, if you were studying hotels, it might be based on the number of guest rooms, if it was residential development, it's based on the number of dwelling units. In the case of our proposal, the most applicable land use code is fast food restaurant with drive through and what that publication tells us is that we would anticipate approximately 122 total trips during a morning peak period and 80 trips during a p.m. peak period, but I took this one step further because our land use is a fast food restaurant but it's also a coffee shop, so we anticipate that it may have a higher volume of site generated traffic in the morning, and in 2000 the Connecticut Department of Transportation, their office of Inventory and Forecasting had conducted a study of Dunkin Donuts facilities, which are, as we all know, very intense in the morning. The reason they had done that is that they wanted to develop some criteria to minimize the impact on a state highway and with that they had suggested that the a.m. peak generation could be as high as 400 vehicles per hour, so my report took that conservative approach and assumed that this would have the traffic generation of a Dunkin Donuts facility, the 400 vehicles per hour. Now those are total trips, trips in and out, so if you are a patron of the site, you enter, that is counted once and you exit, that is the second trip, so it is really 200 total, or site trips during an a.m. peak hour. A use like this, there's a phenomena called by-pass trips, meaning that they are not all new trips to the adjacent roadway network, and what I'd like to use as an example is a gasoline station. If you're like me and you are home, you are settled down, you realize that your tank is on E, you don't make that trip out to the gas station, you do it on your way to another destination. That is an example of a by-pass trip. Coffee shops are very similar to that. It's a very high rate of by-pass. Years ago, up in Massachusetts I did some work for Dunkin Donuts where I was actually conducting surveys of patrons to determine by-pass trips and it was a high as ninety percent in some locations. We took a conservative approach and estimated that seventy-five percent of our 200 trips are existing trips along the Berlin Turnpike, trips that are heading to another destination, they are going to patronize this coffee shop on the way. So of the

200 trips, that leaves 50 new to the adjacent roadway network, and based on the capacity of the Berlin Turnpike and the adjacent intersections, the addition of 50 trips at peak hours is not anticipated to have an impact on the adjacent roadway system.

I then looked at the operation of the proposed site driveway itself. Of course, it's an unsignalized driveway with a stop control and is restricted to right turns in and out only because this is a divided section of highway. Based on these volumes and the using methodology in that Highway Capacity Manual, that is the most accepted method of looking at intersection operation, and what the calculations do is that they actually estimate the average delay that an exiting vehicle is anticipated to experience and then it correlates ranges of the delay to what we call levels of service, which is how we measure the degree of operation. You probably have heard traffic engineers talk of level of service A-F in the past. It's very similar to the grade school lettering, where level of service A is excellent and very minimal, if any delays, and level of service F is where you experience a lot of driver discomfort and frustration because the delays are excessive, and what we find here, again using those conservative volumes is we anticipate this driveway to operate at a level of service C, so a good level of service, even during those peak hours. That really shouldn't really be too surprising because again, it is right turn in and out only, and you don't have the long delays that would be associated with left turns out of the site because they simply are not possible.

The next thing that I looked at in the traffic study is the available intersection sight distance. Sight distance is the length of the driver who is exiting the site can see to recognize an approaching vehicle to make a decision to safely enter the roadway, and based on the DOT guidelines published in the 2003 Highway Design Guidelines they suggest for a designed speed of 55 miles per hour that a sight line of 610 feet be provided. So what I do, I go out into the field and I measure down 610 feet and I set up stakes at the height of eye, it follows methodology of the, what I just mentioned, the Connecticut DOT guidelines, to determine if that 610 feet could be met, and what we find here is that well in excess of 610 feet is provided at the driveway, in fact, I included a photo in the report that is taken from the location of study, basically the driver's eye, if you will, as they are exiting the site, and took that photo to the south so you could see the sight line that a driver would look at, so again, it's excessive and it's well in excess of the DOT suggestions.

In the report I talk about the anticipated drive through operation. The 2000 study that I mentioned from Connecticut DOT, one of the things that they also looked at in that report was suggestions for queuing requirements again, for Dunkin Donut facilities and what the DOT suggested is that fourteen spaces be provided on site to minimize the potential impacts to the state highway. My own experience with different fast food restaurants and doing counts and developing queuing models and having worked in towns that actually specify minimum queuing requirements, typically for a fast food restaurant you would want to see approximately queuing space for approximately ten vehicles. We have on this site, room for eleven vehicles before even the on-site parking spaces would be impacted and more than twenty vehicles before the state highway would be impacted, so because we have a nice deep site, and the on-site arrangement that we have, we have very excellent queuing distance here. That really concludes the findings of the traffic impact study, and we are all available for any questions that you may have.

Chairman Hall: Any questions from the Commissioners?

Commissioner Ganley: If you were traveling through the median, so as to get into Wendy's, you would have a straight shot across, if my ruler is correct, about a hundred feet of highway from the median, which if you step on the gas, you can get across there pretty quick, a hundred feet, but in this instance, you have to come through that same median and get over into the right hand lane by making a left, a left curve, and then hook another right turn to try to get into the driveway. So you are on the highway just a bit longer, facing traffic which is traveling northbound, and you've got to slow down to make a left turn into that driveway. Wendy's, as I say with Wendy's, the driveway is located right at the break of the median, so you just shoot right across. This might

present a bit of a problem to a driver who would like to get in your driveway, but he has to contend with a little more traffic for a little longer time to get over there, so as to make that right turn in.

Rob Baltramaitis: Well, I think our driveway is, at the median, it's very similar to the Wendy's driveway. It's, we're right adjacent to it, it's essentially the same movement and you know, it's not that you are getting in that most right hand turn lane to try to accelerate as cars are coming up behind you. You are essentially crossing over at the median.

Commissioner Ganley: No you're not. You are, the median takes you right directly into Wendy's.

Rob Baltramaitis: I understand that.

Commissioner Ganley: And you're located to the left, is to the left of that so you are not going as a straight shot across, you're actually going across at an angle, so it is going to take you a little bit longer to get across the same hundred feet of highway.

Rob Baltramaitis: Slightly. I understand that.

Commissioner Ganley: Well, almost 200 feet.

Rob Baltramaitis: And I made that move several times myself when I was out there conducting my reconnaissance and what I found, with the traffic signal at Kitts Lane, you get excellent gaps in the traffic stream, and I think that helps facilitate the movement, both to the Wendy's and to this proposed driveway location. The DOT of course maintains the traffic signals as part of the closed loop, the traffic signal is a coordinated system and the traffic is progressed in platoons and again, you get excellent gaps.

Commissioner Ganley: Well, what brought that to my attention was page 2, staff report, A, last sentence, is there an opportunity to improve curb cut design by combining driveways? That's what triggered my question.

Rob Baltramaitis: I've seen the report, and Attorney Alter is going to address that because the applicant did have discussions to investigate that possibility.

Commissioner Ganley: Thank you.

Commissioner Fox: Through the Chairman, I have to agree with Tom here, it reminds me of some of the problems we've had with ConnDot, especially with the original Wendy's where they would not allow an exit from the Wendy's parking lot because it was too close to the intersection and people would have to be crossing three lanes of traffic. I think what Tom is saying here is, and I agree with this, you aren't going directly in there, you're actually making a left turn into the passing lane, so to speak and then over quickly over there, but that could be kind of scary. I know that we have had at least one fatality within the last five years at the median exit to the south, going into O'Neil Plaza, and I would worry about that. Sharing the driveway with Wendys....

Rob Baltramaitis: I did check the accident data associated with that median and I did include the numbers in the report. The DOT, we usually look at the latest three year period that they have, and at the median cross over, this is for the year 2004, 2005, 2006, there were eight (inaudible) and five incidents at that location, of all the traffic either northbound or southbound, and candidly I thought it was like a low frequency given the volume of traffic on the Berlin Turnpike. The driveway is a right turn in and out only, I just don't see the median crossover as being a big

conflict, and I guess what I'm thinking, you're suggesting the site should not have a driveway, because we don't have the ability to combine it with the neighbor. It's something we investigated, and that's not going to happen.

Alan Bongiovanni: For the record, Alan Bongiovanni. Don't forget, this is a state highway, this is controlled by the Department of Transportation. We already have access, the property owner has access to the site via a valid curb cut permit, encroachment permit. This location was selected because it best suited access which the landlord is entitled to, to this property, to and from this property from a public highway. The use being proposed is similar to various other outlets on the Berlin Turnpike. The approved use, that is that was approved a few years back, was for an office building, it was speculative, at the time, but very well could have had a real destination, that people north and south, northbound and southbound would seek out to get to this site. This is going to be very similar to other establishments, being a small restaurant and my experience, the likelihood of that being a major movement from the southbound traveling traffic to make a U-turn on the Berlin Turnpike, to come to this small restaurant where they could do it a couple miles before or a couple of hundred yards past, probably is not going to be of high incidence. In defense of Mr. Baltramaitis' statements regarding Mr. Ganley's question, I think what Rob is trying to say is, the median cut being somewhat opposite this, it's an angle, and it's a little bit longer, but it's not a severe cross the highway at ninety degrees, take a left hand turn at ninety degrees, and then slow down to take a right hand turn. It may take another second or so to traverse that section of highway, but it is relatively the curb cut in the medium. So you are going to do it on an angle, it won't be a straight shot, not as straight shot as Wendy's but it won't be also a significant time elapsed to make that movement.

Commissioner Fox: So what you are saying then, if I happen to be driving southbound and I see Tim Hortons, instead of crossing over I'll get my coffee at McDonald's or Dunkin Donuts.

Alan Bongiovanni: That type of restaurant, and no disrespect to any of the people that you mentioned, or those businesses, that is the nature of the customer. They do what is convenient, just as Mr. Baltramaitis spoke about by-pass traffic and actual destination traffic, probably ninety percent of these people, because they are already passing by, I think I'll grab a coffee on my way to work, I can grab a donut.

Commissioner Fox: I see what you are saying.

Attorney Alter: Just to put some information out that everyone may not have available to them, the Wendy's, Tim Horton connection on a corporate level doesn't exist any more we're told, so there is no opportunity to insist that those two companies somehow realign driveways. Mr. D'Addeo did approach the owners of the property where the Wendy's operates, and received an indication that they had no interest in combined driveways, so we obviously don't have the ability to insist that they do that. There is some thinking in some communities that if both of these applications were before you at the same time, you can tell the parties to enter into some kind of driveway agreement, but that's not the situation here. We need to stand on our own with respect to our access to this site and Mr. Bongiovanni and Mr. Baltramaitis have said, this is the driveway site that has already been approved by the DOT for the earlier proposed use, and Mr. Baltramaitis' professional opinion it represents the safest opportunity for ingress and egress to the site. I think that is what is reflected in his report.

The special exception requirements of your regulation also speak to our indicating to you that we satisfy the elements of Section 5.2 of your regulations. There is a spill over into site plan review as well so I'm going to briefly touch on those and when we make our site plan application/presentation, there will be a great deal more information provided as well. This site, as indicated, had an interrupted development, so there clearly at least in our mind is a need for this site to be developed. The use is a permitted use in the zone, subject to the granting of a

special exception, and represents an appropriate use on the Berlin Turnpike when you have traffic counts of 38,000 cars a day, you need to provide services to the public that is passing by and certainly for whatever reason coffee shops and small restaurants have become extremely popular and of great interest to the motoring public, so we think that a need exists to provide this kind of facility on the highway. The character of the Berlin Turnpike is not changed by this development and in fact this would complete this short stretch of the Berlin Turnpike as this is a site that has waited for development for quite a long time. Size and type of the building, there is only one building proposed. It's very small scale, relatively low impact architecture. It has a nice appearance and you have a very significant landscape plan that goes along with it. In addition to the rendering that we are displaying we would submit an elevation, oh, you already have it. Do you have that Mr. Meehan as part of your file? As I indicated that building is less than 2300 square feet, 2285 square feet, so it certainly is small and size, type and location of the building certainly is a good relation to other structures, it won't overwhelm this site, or anything else. You heard from Mr. Baltramaitis in respect to traffic circulation. We're lucky on the site because of the way it lines up in terms of the drive through and location of the drive through, we get to stack, ten or eleven cars before it even comes in any relationship to the parking spaces for customers who would enter the establishment instead of making use of the drive through facility.

We have public water and sanitary sewer available and relatively easy access and with adequate capacity to accept those. We have a storm water drainage design that has been reviewed by engineering and is part of the plans. We have lighting fixtures culled out on the plans, they are all cut-off fixtures, poles are proposed to be seventeen feet high, again, a very modest given the rather modest size of this building and obviously done with the best technical matters available in order to make sure there is no light spillage off of the site. Again, we have a very comprehensive landscape plan, as you can see from the rendering that we have, we're going to do everything that we can to modify and create some visual interest in front of what is currently a site that appears to have extremely high rock faces with very little appeal when you look at it aesthetically, so we think we can make a very dramatic and positive change in that regard, and finally, this site is buffered in a very classic way from the residential use to the north by about a seventy-five foot change in elevation, so we have no absolutely physical or visual relationship to the residential uses to the north that is currently under construction. We think that we satisfy the requirement in terms of having no impact on the current construction, nor do we impact the residences that are way to the rear of this property, in what is listed as the Pine Hill Sections Two and Three on Mr. Bongiovanni's plan. We are obviously a significant distance away from that, and again with a significant change in elevation. So for all of that information, we believe that we meet all of the criteria from 5.2 as well and I only reference 5.3 because all of the same standards are recited in approximately the same manner for Section 5.3 of your regulations as well. I'd be happy to answer any questions that the Commission may have.

Chairman Hall: Are there other questions from the Commissioners? Ed?

Ed Meehan: I think you should leave the hearing open would be my recommendation. We just received revised plans tonight which I think staff should look at and give the Commission the benefit of our review. There are a couple of loose ends that I would also suggest that the Commission consider. One, is Mr. Bongiovanni is giving you his interpretation of the 300 foot separation distance. We have no precedent on this yet. This has not come up before where we have houses to be built within a three hundred foot radius. They are approved, the site is bonded by Toll Brothers, but as I gave the information to BGI today the foundations are just where the two brown areas are identified there. So at this point in time, there are no residences within 300 feet. So I think for future applications, this may never come up again, it might be good for the Commission make a decision on this, let your feelings be known and interpret it, so we have some sort of a record of that issue.

The second thing is this issue with the cross over median. The traffic engineer in his report, his first recommendation is that the driveway serving Tim Horton's should be located as far, as

northerly as possible from Wendy's existing driveway and the median crossover. I guess my question to the engineer is the location of the driveway proposed that the Commission members have, does that meet that recommendation you've offered? Can that driveway be moved further north a little bit based on your recommendation?

The third question still sort of lingering in my mind and we really haven't talked about combined driveways or inter-site access. Based on Wendy's web page dated January 8<sup>th</sup>, they are still listing Tim Hortons as one of their companies, so maybe they have sold and haven't told anybody, maybe this web page is out of date, I don't know. Maybe it doesn't make any difference because we are dealing with two different property owners and two different franchises, but I think they said they couldn't do it, but they didn't say why they couldn't do it and I think that should be part of your record.

Attorney Alter: In respect to the issue of the residence, the clear language of your regulation says residence. The residence can't be within three hundred feet. Clearly there is no residence within three hundred feet, and Mr. Bongiovanni has submitted a plan that verifies that, as a licensed surveyor. If it was your intention to say that you meant 300 feet from any residential property that could be developed some time in the future, that's a completely different regulation. There is no assurance that the units that Toll Brothers has on the plan will be built, now or ever in the future. It's the expectation that they will be certainly, but I think that from the stand point of your regulation, you have no choice but to deal with what exists at the time of the application. That's a standard that we use in every part of zoning, that it is the moment of the application that freezes everyone. We go through this when towns propose moratoriums or propose changes in regulations that it is the date of the application that controls and in this particular instance, even to this date, a couple of months after the date of application, there clearly is no residence within 300 feet, and I would suggest, we have taken a very conservative approach to defining that term already. Those are foundations. If you want say that a residence is a place where someone can live, those clearly are not residences. They are going to be residences sometime in the next six months or a year, but at this moment, even they are not residences, a term that is not defined in your regulations. The closest term we could find is dwelling, which indicates the ability for someone to actually live on the premises, again, those buildings that are within 300 feet are not in a condition where anybody could live in them, they are simply concrete foundations. The nearest actual finished buildings are not even on this plan, they are actually buildings that have been constructed back off, further back easterly of those that are shown on this plan because the scale of the plan, we can't show you where the buildings are actually finished, but they are more like six hundred feet from our site. So our position is, we took the most conservative approach we believe is rational, which is there are at least foundations there that indicate that at some point in the in the reasonably foreseeable future there will be a residence there, and we measured from there, and that is about 320 feet from our building, to the corner of that building. So it is our position that that fully complies with your regulation as written. Mr. Meehan's comment I think is appropriate in that you might want to think that perhaps you should clarify what we meant, but for our purposes we applied and confirm to the regulations as currently exists.

Rob Baltramaitis: I just wanted to clarify my point Mr. Meehan that my recommendation, I think first of all, traffic engineers, we try to move into sections, create separation to maximize the areas of conflict points. I think what we are hearing from at least two members of the Commission, that actually as far southerly as possible may be preferable to keep that movement from southbound Berlin Turnpike more of a slant, and I use that term, Alan brought up the slant, and I just think he better articulated what I was trying to state that I think even at the present location we don't have a case where you are trying to get into the far right lane and accelerate with that traffic coming up behind you. I am happy with the driveway location. We could move it slightly north, we talked about this as a team ahead of time, we could have a reverse curb in here, locate it northerly, I don't think the Commission wants to do that. I like the configuration where it is now because it creates a nice T intersection on the site where we have two way traffic at this location, and then

our exiting drive through traffic there. If we were to locate it further north, I think it would skew the geometry a little bit and I'd rather keep that T intersection on the site.

Alan Bongiovanni: Just a couple of quick other comments. We did, we were aware of your comment Mr. Meehan regarding Tim Hortons being owned by Wendy's. We made a call to Wendy's International. They sold Tim Hortons over three years ago, so the web site is a little out of date.

In regards to combining traffic or combining access to the sites, a couple of things that we did look at. Prior to the applicant talking to the owner of the Wendy's site, is it really feasible? These are relatively unique for commercial buildings in that with a drive through you have circulation that goes counter clockwise to the existing Wendy's building, same as we are proposing here. You have a constant flow of traffic that exits the side of this building, the north side of Wendy's and goes out to the Berlin Turnpike. If we were to combine, utilize the existing curb cut that they have, all of the traffic that was to visit the site proposed would have to cross that exiting movement which is, in itself a conflict. Certain times of the day this Wendy's has a tremendous amount of stacking and patronage. What potentially could happen is, you could cause cars to back up onto the Berlin Turnpike trying to get to the Tim Horton site if you were to utilize that driveway. If that driveway location was to be moved and split onto the site, you are still going to run into the same situation. You have cars that want to enter one site, and then drive through and exit and come to this location, but it would be a conflict when you are crossing the inbound, or the right hand lane with this left hand lane exiting here. So no matter where you locate it, it's not a practical location for these two types of uses. If they were both strip centers, or grocery stores, or some other use that didn't have this mandatory exit adjacent to the building, then you probably would have more to work with, but we're really limited to what our options are here, beside the fact that the neighbor is not willing to do that. Thank you.

Chairman Hall: Other questions? First of all, at our places, we don't have the maps. Those maps, for instance in front of Mr. Kornichuk, do they show the other driveways? I mean, this one only shows the Tim Horton driveway. I would like to see something that has the Wendy driveway, the Tim Horton driveway and the medium cut.

Ed Meehan: There is a location on the first sheet, I'm not sure it shows that in the detail that you are looking for.

Alan Bongiovanni: I can do that.

Chairman Hall: Please do that, I think that would be important for us. Second of all, what type of food service beside coffee and donuts does Tim Horton's offer.

Alan Bongiovanni: Bakery, baked goods, pastries, Danish. They also have a selection of sandwiches, wraps, things like that.

Chairman Hall: And is it baked on site, or off site and delivered?

Alan Bongiovanni: I believe this is baked on site.

Attorney Alter: There is a variety of methods, some of the materials are delivered and heated, and some are prepared on site. It depends on what it is. They also, with this sort of operation serve soup for lunch, soup and a sandwich for lunch, there is another facility on the Silas Deane Highway that does that, and the soups are prepared on site but some of the other materials are not, so....

Chairman Hall: What about the doughnuts?

Attorney Alter: The doughnuts to my understanding are prepared at a commissary operation, those are not prepared on site.

Chairman Hall: They don't bake the doughnuts on site?

Attorney Alter: That's my understanding, now there may be some where they do, so I couldn't state with absolute certainty that this would not be the case?

Chairman Hall: Some doughnuts or some operations?

Attorney Alter: Some operations.

Chairman Hall: Okay. So they are pretty much a franchise and each franchisee runs his operation the way he wishes.

Attorney Alter: Well no. It depends on distance separation from where there is an opportunity to have a central area where certain foods, depending on the radius or the distance that somebody has to travel from the commissary operation, they may be forced to do a lot more food preparation on site than they would off site.

Chairman Hall: Where would a commissary operation that would serve this be located?

Attorney Alter: I don't know, I'd have to find out.

Alan Bongiovanni: Off-site somewhere.

Chairman Hall: Well I know, but if we're talking distances are we talking coming from Massachusetts or .....

Attorney Alter: No, ordinarily they find a central location, usually it's at another facility that has enough space so they can provide services to surrounding units. Why don't I provide you with that information?

Chairman Hall: I'd appreciate that. How many Tim Hortons are in the state at this time?

Attorney Alter: We'll find that out also.

Chairman Hall: Thank you. I don't mean to be difficult, just want to get the whole picture.

Attorney Alter: No, that's all right. They took over a great number of Bess Eaton locations and reconditioned those and then have new construction of facilities like they did on the Silas Deane Highway, so it's a mix of those types of operations.

Chairman Hall: Okay, any other questions?

Attorney Alter: I know you are going to continue the public hearing, but it would be of interest to us if there is anybody from the public who has any questions, if they ask them this time instead of next. I'd appreciate that.

Chairman Hall: We are going to ask that. I just want to make sure the Commissioners are set with the experts at this time. No other questions? Anyone from the public wishing to speak in favor of this petition?

Newell Stamm: Long time resident in Newington and I'm in favor of this application and I worked on this site when we were moving stuff out of there before and I remarked many times about the State Traffic Commission let the flow of trucks and stuff in and out of there. The lights down by Kitts Lane hold the traffic up so the guys could make a turn into the driveway. We didn't have any problems and I said, they finally did something right. It worked out very good. We had trucks continuously all day long all around and I'm in favor of this. It's my land, I'd like to do something with it. Thank you.

Chairman Hall: Thank you Mr. Stamm. Any other comments from the public. Anybody in favor? Any members of the public wish to speak in opposition to the project? Any members of the public just wishing to make a comment? Seeing none at this time, we will continue this until the next meeting at least and we have quite a bit of information to review before the next meeting.

Attorney Alter: What is the date of your next meeting?

Chairman Hall: The 23<sup>rd</sup> I believe.

Ed Meehan: Yes, the 23<sup>rd</sup>.

**C. PETITION 56-07 16 Fenn Road and 712 Cedar Street, owned by Fenn Road Associates, LLC and 22 Fenn Road, Stop and Shop Plaza owned by Hayes-Kaufman Newington Associates, LLC, 1481 Pleasant Valley Road, Manchester, CT 06042 and Fenn Road Associates, LLC, applicants represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for zone map amendment, I Industrial to PD Planned Development Zone.**

Attorney Jacobs: I'm Attorney Leonard Jacobs. I'm from Manchester, 146 Main Street, Manchester, Connecticut. It's good to be back in front of you again. The first thing that we will be presenting tonight is our zone change application together with our master site plan. We are dealing with three properties, 16 Fenn Road, 712 Cedar Street, both of those properties are owned by Fenn Road Associates and the other property that we are dealing with is the Hayes-Kaufman Newington property which is 22 Fenn Road. I'll just show you, for clarification on the map, here's Fenn Road, here's Cedar Street. This is the Stop and Shop shopping center which is one of our sites tonight, and this is our remaining site, the site owned by Fenn Road Associates. This is a gas station on the corner which is not part of our site. This is the National Welding site that we will be talking about as we get into some of the hearings, this for a moment, and then later on and of course this is where the busway is going to go. So that is the area that we are dealing with and as we discuss this application and we go through other applications that we have, Patrick O'Leary is here, Patrick is our professional engineer, from Vanasse, Hangan and Brustlin, also here is Vahid Karimi who is our traffic engineer from VHB and Richard Hayes who with his family and partners are actually the owners of all of these properties, or both of these properties, is also here.

I just will mention to you that because of the way that your Zoning Regulations are written for the PD Zone, because we are asking for a zone change to the PD Zone, at the time that we present the zone change, we also have to present simultaneously our site plans for the property and your regulation says that when we present these you will hear them in the normal order in which you hear them, so what that means is that the zone change which is a public hearing will be accompanied by the master plan. Later in the evening we are going to do our site plans which are not public hearings, and they are heard separately, but by putting all of these applications on together with our special exception we will in fact accomplish the goal of putting on our zone change and at the same time telling you what we are going to be doing with the property, and that is a unique requirement in the PD Zone but none the less it is a requirement of it, and we do have to follow that. So we will be presenting I think four different applications tonight.

I do want to tell you that the other applications when we get to them will be a site plan for a bank, Starbucks and a site plan for a hotel building, and as I said they will come up in a few minutes, so with that background what we are asking you to do is to change the zone of these two properties from the Industrial Zone to the PD or Planned Development Zone. I told you about the ownership of the property, the Fenn Road portion, Fenn Road Associates which is basically in this area is six acres, the Stop and Shop property I believe from my memory is about twelve acres. We're bound in on the west by Fenn Road as I indicated, both properties are bound by Fenn Road on the west, this property, the Fenn Road Associates property is bounded by Cedar Street over here, you have the gas station, you have National Welding as I said, we come down in this direction and we have the busway and we get down here, there's another gas station so this is pretty much a commercial area.

The National Welding site is of interest to you and will come up as we go on later because that is a site that I know that Ed Meehan is working hard on and the Town is working on, that's a property that did in fact have environmental issues, although I understand that the environmental issues may be under some control, but as we get into later parts of our application we will show you how our other applications may benefit the National Welding site by potential access that might be available to that.

The State of Connecticut is the owner of this property here, and also this strip of land here which comes back to the busway is not part of our application. It divides our application. Obviously we can't change the zone of the property owned by the State of Connecticut, of course the State of Connecticut is not really subject to zoning anyway, but that property in the middle divides the two properties that we are going to be talking about.

It's probably fair to say that the zone change application that we are presenting really was suggested by the Planning and Zoning Commission about six or so months ago when you had a major change to your zoning regulations, I don't know, I know some of you were not here at the time, and others of you were, I'm sure, but you did a major change to the zoning regulations and when you did that change you took the ability to have large retail buildings out of the Industrial Zone which means that the Stop and Shop property became non-conforming. In other words, the Stop and Shop use was not allowed in the Industrial Zone, and when that came up, when that was being considered by the Planning and Zoning Commission, we came to that meeting and did point out to them that the impact of the zone change if they did in fact change the Industrial regulation the way that they were talking about and did in fact do, it would have a detrimental effect on our property because we would become non-conforming and there are a lot of limitations on non-conforming, and the Planning and Zoning Commission said to us, well of course what you will undoubtedly do, is to come back with a zone change for that property so you will no longer be in the non-conforming status that we're in and at the time that those hearings were going on, and we talked to the Commission we told them that we would undoubtedly come in with a Planned Development Zone and we would incorporate the adjoining property that we owned, so that is where it started although left to our own devices we would have wanted to go into the Planned Development Zone anyway, but we certainly need to be in the Planned Development Zone now, we can't have the Stop and Shop property with a non-conforming status. Of course, our property, the Fenn Road property essentially adjacent to the Stop and Shop property should be in the same zone for the same reasons, the area is retail in nature and as I'm going to tell you in a moment, your Plan of Development in fact encourages that application. So we believe that the two sites should in fact be changed together.

The Plan of Development says, your Plan of Conservation and Development says that the Plan envision, talking about Fenn Road and Cedar Street, the Plan envision that a new zone would be created in the area that would permit highway oriented uses and commercial uses with regional markets. Now I don't know that the zone was ever changed to accomplish that, but the Plan of Development specifically says, create an interchange, design district zone for Cedar and Fenn Road area that would permit by special exception highway oriented uses and commercial uses with regional markets, and that is essentially what we are proposing with the Planned Development Zone, so we're right in keeping with your Plan of Development. I think that is

obviously very important to you. The uses that we can propose in this zone and in fact the uses that we are going to propose are highway oriented uses, an hotel, the Starbucks restaurant, some retail, and we think that fits exactly into your plan for the area itself.

As far as the zone change aspect of the presentation is concerned, we've justified it for you by its location, the fact that the Stop and Shop is non-conforming, and the fact that we fit exactly into your Plan of Development.

Now, the other part of the regulation, when you change to a Planned Development Zone, says that we are supposed to tell you what we intend to do with this site. As I said, I think that may be unique to the Planned Development Zone, I'm not sure, but it is a requirement that we have to live with. I am going to tell you what we are going to do with the site, but as I tell you this, it's not really very speculative, because as I said, we do have site plan applications on the agenda to accomplish two of the uses that we're already proposing.

If you look at the site, we are proposing three buildings on the site. The first building, the building in the back with Cedar Street frontage is going to be a 124 room hotel. That's our plan for this site, this portion of the site. This portion of the site is a Starbucks Restaurant and a proposed bank. This building, whereas for this building we do have someone we are definitely talking to, this one and talking to a bank about this one, this building we do not have a user for. We anticipate that building will be retail, it's logical that it will be retail, we're showing you a proposed size of the building, we're showing you 15,000 square feet, but in reality when we get the end user for that site, then we'll have the site exactly when we come back with a site plan application and of course at that point we have to make sure that with our last building we meet all the parking requirements, all the setback requirements and everything else and of course we will be sure that we meet that.

For purposes of our master plan, and for purposes of satisfying your requirements, I think we are doing that by showing you the three buildings. We obviously are showing you the detention basin on the site in the blue, and we are showing you some of the landscaping features that we anticipate this site being developed with.

Now I also want to tell you that we do have direct access to the site from Cedar and from Fenn Road. The way we're proposing this site, or the way that we will propose the site when we get to our site plan and our special permit, is right turn in, right turn out on Cedar. We believe that is what this street can tolerate, we don't believe that a full service entrance/exit here is something that we want to suggest. We're also proposing a right turn in, right turn out on Fenn Road and to accomplish two purposes, access management because we want to have a way for the site to move and reduce curb cuts, we're showing you a drive that will go across the state property which we have the right to do because we have a permanent easement, onto the Stop and Shop property for anyone who intends to make a left turn out of our site. Now, we will, I do want to tell you and I'm sure we are going to get into this, or I suspect that we will be getting into this, that there has been a great deal of discussion on the part of the applicant with the State of Connecticut, Ed Meehan has been at, I think all of the meetings, I think your Town Engineer has been at many of our meetings, and what we have done, and I don't want to get into this specifically, in our presentation portion now, although we will get into it as much as you want with questions, and the reason for that is, when you judge our application we don't want you to judge it on what might the state do in three years, or what the State might not do, you have to judge it on what we are presenting now, so I'm presenting now what we physically are able to do right now. We're able to take all of our traffic, we're able to provide left turns out at a light by going through the property, the Stop and Shop property for those people who want to do it, and we are able to provide right turn in, right turn out on Cedar and on Fenn Road at the moment. I can also tell you that we have laid out our site such that we are able to meet Ed Meehan's concerns, as expressed to us about the National Welding building having an adequate entrance and exit. We have also laid out our site so that we can accommodate the improvements and changes that the State of Connecticut is talking about making when the busway goes in, so we have been very pro-active in working with the State and working with your Planner to lay this site out and having said that of course, as I said, we need to concentrate mostly on what we're proposing today.

With that presentation what I would like to do is to ask Patrick O'Leary, our engineer to simply give you a brief explanation that we can accommodate the site with utilities and things of that nature and then I'm going to ask Vahid Karimi to give a short presentation on traffic as it relates to the zone change.

Patrick O'Leary: Good evening, my name is Patrick O'Leary, office manager and managing director of land development for VHB, 54 Tunnel Place, Middletown. I and my staff have appeared before this Commission numerous times in the past, Target Store, Atlanta Bread, other retail commercial projects in the area. The plan that sits before you here is to the best of my knowledge a zoning compliant plan. It is a master plan for the site, not the detailed site specific plan that will be presented later this evening to you. The components contained within this master plan are replicas of what will be detailed at length during the site plan review. We do have a 124 room hotel, the proposed bank, Starbucks Restaurant and an additional retail use over to the right hand side of the plan. We do meet the coverage requirements for less than sixty percent, we do meet the interior landscaping requirements as is laid out there and shown on that plan. We have made allowances and do have knowledge that site plans can change, particularly from a master planning standpoint. The adjacent retail there may change in shape, so we reduced our dimensional requirements on site so that we can accommodate potentially some additional landscaping, change in the size of the building while maintaining use consistent with what is shown there on the plan.

This site is fully serviced by utilities and the existing petition has gas, water, sewer, readily available to meet reasonable needs associated with what is being presented there today. We do believe it fits in characteristic with the general neighborhood. We're not placing retail, commercial, restaurant, hotel uses in, or adjacent to residential neighborhoods. As you can see and as was pointed out by Mr. Jacobs with the aerial photograph, you can see the adjacent uses associated with it. We are adjacent to highways, immediately on state highways, and there are no residential uses in the immediate five hundred foot radius associated with this.

The site characteristics have been designed to accommodate future applications that will be considered tonight. We will have special permit applications for the drive through, we will explain in detail how we are compliant with all relative components to that as it is shown here on the site plan.

Other factors that go into this, we will be maintaining lighting levels, noise levels, water quality from the storm drainage consistent with both your regulations, state regulations, and maintaining consistency with the overall purview of the neighborhood. We do believe this use, as shown in the master plan is not only consistent with the uses our there, but fully compliant with your zoning regs. With that, I'd like to turn it over to Mr. Karimi to discuss the traffic.

Vahid Karimi: Good evening, for the record my name is Vahid Karimi, I'm the director of traffic engineering services at VHB. I'm also a registered professional engineer. As Mr. Jacobs mentioned, this site has excellent regional access. We have two roadways, Fenn Road and Cedar Street that have a direct connection to the interstate highway. Both roadways carry a significant amount of traffic. Just to give you some magnitudes, Fenn Road, back in 2006 when the Connecticut Department of Transportation got the traffic volume data on that road, it carried about 38,000 vehicles per day and Cedar Street, designated as Route 175 carries approximately about 29,000 vehicles per day, so both roadways are what you would consider, classified as major arteries, and they are designed to carry a significant amount of traffic where they connect to the interstate highway system.

As you know we are looking at a re-zone from Industrial to allowing retail on this site. I'm sure that the Commission is aware that each land use has its own traffic characteristics, as you can see from the land use point of view, Industrial use has a very different peaking characteristics from a retail establishment. One of the nice things that we have about this particular project is the fact that the uses that we are proposing on this site truly compliment each other. You have a hotel which has a very different peaking characteristic from retail and from retail that has a very

different peaking characteristic from a Starbucks that we are proposing on this site. We have four different uses. We have a hotel, Starbucks, a bank, and a future retail which each has their own peaking traffic generation and also have their own peaking parking requirements and I think looking at the overall master plan for this site each of those uses even from a parking point of view, it compliments each other and a major part of the traffic that will be drawn to this site that has multiple uses, we would consider as multi-purpose trips. In other words, a customer going to this site, doing some shopping out there on the retail and then being able to go to the coffee shop and get coffee or go to the bank, so you would be doing multiple purpose trips into the site. As the Commission knows, the previous speaker talked about the Tim Horton's. The Starbucks has a very similar trip characteristic to Tim Horton's where the peak of the generation for Starbucks is certainly in the morning, where folks are going to be going to get coffee, and what is also important to understand that there is a direct correlation between the amount of traffic that passes by the site, to what that user will draw from. So when you look at a roadway that carries 30,000 to 38,000 vehicles per day, you are going to be drawing a significant amount of traffic from that impulse trips we will call it, pass by traffic, folks going to work in the morning, are going to be dropping and getting their goods, their coffee, so it's not a really not what we would consider as a destination per se, that is going to draw a lot of traffic that we would consider as primary trips, but these are the folks that are already on the roadway, that they are going to be going to the site. Similarly, to the hotel, I think what is really unique about this site and having a hotel on this site, and at this location is the fact that you have a direct connection to the interstate highway. As you know many hotel customers are coming from regional, it's not really local and you have that connectivity to the inter-state highway system so from a zoning point of view and from a land use point of view it makes a lot of sense, as far as well, you compliment each of these uses with one another. During the site plan presentation we will certainly talk about those numbers and things of that nature, but what is also important is I think the town has spent considerable time working with the City of New Britain, working with the Capital Regional Planning Agency, to look at the, what we would consider a future plan for Fenn Road and Cedar Street, and I will talk a little bit about that as we do our presentation. Just in general, just to summarize my presentation, we are proposing a master plan that truly conforms to what the area is as far as retail activity and also the connectivity to the inter-state highway system that is going to be drawing a significant amount of traffic to the area. With that, I will turn it back to Attorney Jacobs. Thank you.

Attorney Jacobs: Basically that is our presentation on the zone change, master plan. We have an application pending in front of the Wetland Commission and I know that Ed has recommended that you, at least from reading his memorandum that you probably are not going to close the public hearing tonight, and that is fine with us, because you can't vote on many aspects of what we are going to be presenting tonight until the Wetland Commission does, so, we're here tonight to answer questions, listen to any members of the public who might have comments to make, and move to the next item.

Chairman Hall: Questions from the Commissioners?

Commissioner Ganley: Do you have a pencil handy? I'm going to refer to a document, you might want to take a look.

Attorney Jacobs: Okay, I'll be happy to.

Commissioner Ganley: It's from Fuss and O'Neil, and it's entitled Conceptional Short Term Improvements and it concerns the intersection of Cedar and Fenn, and this was done in about 2004 or thereabouts. I sat on the sub-committee of this Commission and we were concerned with improvements to the Cedar-Fenn intersection in addition to that particular parcel as it relates to some transit housing and that bus stop that is going in there. They gave us this particular brochure, which interesting enough shows a hotel on it, it's a slick brochure from the Capital

Regional Council of Governments, which is part of their conception of what a development should look like, and does happen to have a hotel. But why I'm referring to this is, on your sheet here it has proposed future access to the site. That lines up at approximately where they're going to put, they wanted to put their driveway leading down into the parking lot for the bus station.

Attorney Jacobs: Yeah, that's this.....

Commissioner Ganley: Keep going.

Attorney Jacobs: I was going to show it to you on here, but it's over, okay, I'm oriented again, that is an existing access. The State owns that, we have full rights to pass and repass over it, the State owns it though.

Commissioner Ganley: Now your proposal is to put the north-south driveway to connect to the other piece of property so they can exit the property, they could make a left turn and, are they going to go through the parking lot and go to the traffic light?

Attorney Jacobs: Right, that's correct.

Commissioner Ganley: Okay, the reason that I ask that is, you have an entrance only driveway right where that crosses. Right, that's it.

Attorney Jacobs: For the other property.

Commissioner Ganley: That's correct, yours connects with them, that's an entrance only driveway?

Attorney Jacobs: That's correct.

Commissioner Ganley: Okay. They proposed a traffic light up at their access.

Attorney Jacobs: Well, I guess this is maybe the time to talk a little bit about that.

Commissioner Ganley: Well I'm saying, you could just get a hold of this and reconcile.....

Attorney Jacobs: Well you see the, let me just say this without going into it too much, when my client bought this property and we knew that State of Connecticut owned the busway back here and we knew that there was the access strip over here, we initially thought that eventually the State of Connecticut, when they did the busway would use this as their main entrance, a light would go over here, we have full right to pass and repass, our traffic leaving would no longer go through the Stop and Shop, that's an effective but temporary measure, and it would go out through here. But what has happened, and this is why I say we've been working with the State of Connecticut and Ed, who has been at all the meetings could probably explain this better than I, but the State of Connecticut is now talking about, instead of having the, and Ed, correct me if I say this wrong, instead of having the entrance/exit be over here, the State of Connecticut is now talking about putting the exit in here somewhere. The reason for that is that it will separate the lights on Fenn Road, it will make the lights on Fenn Road work better, it will also provide a means to come in and provide an exit for the National Welding building, which is very important to the Town as I understand it, they'll be able to use it, and it works fine with our property when it gets developed that way too. So the point that I am making to you when I said earlier that we're prepared to work with the State and the Town however they want to do it, if this is the way out, that's fine with us; the light can go here, our traffic can go in and out and that works fine. If in fact they ultimately put it over here, we'll slide over because we'll give the State this land, they'll give

us this strip back, we'll move over, we'll come out over here, so we can accommodate any of those ideas. We've been meeting with the State fairly regularly, there is another meeting coming up on Friday, when you meet with the State it's very interesting because they have the busway people, the busway people don't talk to the right of way people who don't talk to the State Traffic Committee, they are all highly capable people, but you would get the impression that they would be sitting down as a unified group, and come up with one approach. Well they are working with us to come up with that one approach, and we are going to work with them, and we're going to make it work, so we will look at what you suggested, that access way out that we have the full rights over may turn out to be the access way, though I don't think so, and Ed, you could, when you want to give your impression of this, you will, but that's my impression.

Commissioner Ganley: Well, working with, it's like watching the mating dance of whopping cranes, I mean, working with the State.

Attorney Jacobs: Yeah, but the good thing about it is that we have made a lot of progress with them, we are zeroing in on a location that really is the best for the State, the best for Fenn Road because the lights will be properly placed, the best for the National Welding site, because you will have a better exit and entrance, and for us, it's a very good entrance point too, because we want Fenn Road to work properly, so we would like the lights to be spaced property, so we are all pretty much coming to a agreement on where it ought to be. I don't want to say to you that we have an agreement because we don't, and I would like Ed, when he gets to his point to comment on that, to make sure what I have told you is exactly right.

Commissioner Ganley: The other point is, on National Welding, there are two things I think and both I think concern the petitioner. First of all, I was not aware that the hotel would be located so far down on the property, but that's not a big deal except that I understand that there may be some extended stay people at the hotel.

Attorney Jacobs: The hotel is an extended stay, yes.

Commissioner Ganley: Now, I want to envision someone looking out the back window in the evening, having a martini looking at this old factory building there, or even worse, even worse after you get the hotel up, they start to rip the factory down, and now there is dust and cranes and men running around in white suits etc., so that I hope that in some fashion or other, both the Town and Petitioner however this thing works itself out, can get site preparation and access convenient to everybody at about the same time so that factory comes down, buildings go up and it's a nice clean site. We are very interested in this site, it's almost as big as yours.

Attorney Jacobs: National Welding?

Commissioner Ganley: Yes it is. The site is almost as big as yours, so we're interested in.....

Attorney Jacobs: We know that you are, and as I said that has been brought home to us by your Planner on many occasions which is part of the reason why we're talking about a different entrance and exit point because your Planner has indicated that that is important. It is to us too. The people who are looking at the hotel site are aware of the situation, and it will play out in the way that it plays out, but they are aware of it, and I don't know that the National Welding building is intended to come down, I'm under the impression that it's going to be used, but again, let Ed speak to that.

Commissioner Ganley: For what, condos?

Attorney Jacobs: I don't know, I might be wrong about that, that's just my impression. I don't know if I'm right.

Chairman Hall: Other Commissioner comments, questions? No. Now this is the zone change, that is what we are talking about now. We are not talking about buildings, we are not talking about sites, or anything else, it's the zone change. Any questions?

Attorney Jacobs: And the master plan conceptionally.

Chairman Hall: Right. No other questions?

Commissioner Correll: One question, is Stop and Shop involved in this transaction? The zone change?

Attorney Jacobs: Well yes, but not in the way that you are saying it exactly. Stop and Shop is involved in the zone change. Stop and Shop is not involved in the development of our property...

Commissioner Correll: I realize that.

Attorney Jacobs: But because of the fact that there is a commonality of ownership we can take our traffic out through the Stop and Shop by a permanent easement, and then when the State comes in and finally finalizes the right of way as it affects our piece, that easement over the Stop and Shop will go away because it won't be necessary. We are only providing it now because staff has indicated to us that they want us to have a way to make a left turn out of the site safely and fortunately because of the ownership, we are able to provide that.

Chairman Hall: Now was that your question, or was your question are they trying to change the entire....

Attorney Jacobs: We are not changing the Stop and Shop parcel at all.

Chairman Hall: Was that your question?

Commissioner Correll: Well, originally, I'm talking about the zone change.

Attorney Jacobs: The zone change includes the Stop and Shop parcel.

Commissioner Correll: That's right, but is Stop and Shop, are they aware of this?

Attorney Jacobs: Everybody is aware of it, yes, everybody is aware of it because it makes them conforming, so everybody connected wants this.

Chairman Hall: Ed?

Ed Meehan: I will be brief, because Attorney Jacobs was very articulate in what he said, I mean, the bottom line is between the Town administration and the staff, myself, the Town Engineer, the Town Manager, who has been involved in one of the meetings at ConnDot, and the cooperative spirit that has been put forth by the developer and the Department of Transportation, we believe the optimum way to solve site access to this property, to National Welding and to begin to address some of the traffic on Fenn Road is to do a land swap. Relocate the driveway further south on Fenn Road so it is about in the middle of the proposed site, balance on either side where you can adequately space traffic signals and control left turns in the site as well as out of the site. Right now, someone coming off of Ella Grasso drive, going to the hotel has to know that

they have to turn into Stop and Shop to get into this site. That's not good for the customers, it's not good for the people who have businesses and will use Stop and Shop, it brings more traffic through their site. The right way to do it is to put a traffic signal at Fenn Road that controls this property, National Welding, the busway and bring them in safely through a traffic signal. What Tom was referring to was the very early conceptual plans that were done by the consultants for the Department of Transportation as part of the Federal environmental impact statement that had to be done very early in the busway process, that show the possible traffic signal near that one way entrance road. As Attorney Jacobs said, when the light bulb goes off down at ConnDot and the traffic engineers talk to the busway people, they say, you can't have a traffic signal 200 feet from each other, obviously no, they can't do that. So this idea of moving it further south I believe is the right way to go. I recommend in my staff report that you keep the hearing open to let this evolve more, and we reach a consensus, so that when a decision is made, the location of that driveway sets the template for the other parts of this site. It sets the template for parking, internal movements, and access to a piece of property which is very important from an economic development point of view, and from an environmental safety point of view to the Town of Newington, which is National Welding. As far as its reuse, I don't believe it's the Town Council's intent, if they get control of that piece to keep it in its current state. I think the Town would make every effort to partner with a knowledgeable developer to tear the building down, and reuse it. That's a Town Council decision, but that property is almost over \$900,000.00 in arrears on taxes, so we want to put it back on the tax roll, we want it to compliment what this developer is doing, and get the whole project back to use. That's the big vision, I hope it works.

Chairman Hall: Everybody all set, so we will continue this. Anybody from the public wishing to speak in favor of this project? Anybody wishing to speak against? Come up, state your name.

Laurie Rosario: Good evening, I am one of the owners of Spin Cycle Café and Laundromat at 190 Fenn Road, and my question, I'm not sure, is the question only referring to the zoning and how it is being affected, or overall project?

Chairman Hall: Right now, this is just the zoning portion of it. This petition right now, is just changing the zoning from I to PD, which is Planned Development.

Laurie Rosario: And it's only for that particular property?

Chairman Hall: Right now, this Petition C is just for that.

Laurie Rosario: Thank you.

Chairman Hall: All right. Is everyone all set at this point? We will keep this open, everybody is agreement?

**D. PETITION 57-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for Special Exception Section 3.19.1 and 3.15.4 Restaurant with Drive Through Window Service, PD Zone District (Proposed.)**

Attorney Jacobs: Again, Attorney Leonard Jacobs presenting the Starbucks to you. I just want to tell you one thing, as we are talking about this. We are going to use this map for a couple of purposes tonight, so I want you to, as you are looking at it, to concentrate on the part of the map that we are concentrating on, so for example, this is the special permit dealing with only the Starbucks over here, so ignore the fact that we happen to have the hotel on here which we will be

talking about later and we'll be concentrating on that one location. As you do know, I know from looking at your agenda, a little bit later tonight we will in fact have the site plan for the building which contains the Starbucks and the bank and we'll go into all the site plan aspects of the property at that time. I also should mention to you that the property right now is in the Industrial Zone, but as you know, we have presented an application to change the zone to the Planned Development which will accommodate our use, and of course it is appropriate for you to hear this, but you will make a decision on the zone change before you make a decision on the other applications that we are presenting. We're presenting them because according to your regulation, we should be presenting the parallel uses at the same time.

Now your zoning regulations, a lot of what I'm going to tell you, you just heard from the last folks, so I'll go a little bit faster. The Zoning application requires a special exception only for the Starbucks use, and only because it is a restaurant with a drive through. So that causes us to have to meet the requirements of Section 3.15.4 which is the section of the Zoning Regulations that addresses restaurants that serve customers through drive throughs, and as Alan Bongiovanni told you last time, there are five considerations that you are supposed to have with a drive through.

The first one is a consideration is for traffic and we're going to do that through Vahid Karimi again in a few minutes; the second requirement is that the driveway locations must be at least 150 feet from an intersection. We meet that requirement, you can see by looking at our plans, there is no need to discuss that one further. The third one is a drive through window should be located on one side of a building, ours is, as Pat O'Leary will tell you in a minute, and Pat will explain to you how we have designed this to minimize any conflicts. The fourth is that the building must not be located with 300 feet from any residences. As Patrick told you in the zone change application, there are no residences within the 500 foot zoning circle that we showed you. These applications for this property, as far as residential properties are concerned don't affect anyone, there are no residential properties around us. The fifth requirement is that we cannot exceed sixty percent of impervious lot coverage and we do not, so we meet that requirement also. The only two that we are going to talk to you a little bit about is the drive through to show you that it has been properly planned and a little bit on traffic.

I'm just thinking about the fact that, I will mention at the end because your regulation does say that this is a special exception and you should at least comment on the general special exception requirements, I'll do that at the end. I do want to tell you, we're not asking for approval of any signage at this time, not here or in the site plan application at this time, so we're not showing you that, so if we need to come back on that I guess we will.

The property itself we have shown you from the zone change application and I don't need to be or want to be repetitive. It is a commercial area, it's surrounded by commercial properties and the busway and it's an area where a Starbucks Restaurant would be very appropriate and would be a location where you might very well expect that. With that background, I'm going to turn it over to Patrick O'Leary from VHB and ask him to discuss the way the driveway might work, with you, and anything else he might want to add.

Patrick O'Leary: Thank you. Once again, my name is Patrick O'Leary. A couple of quick, very quick things, there are a couple other additional requirements that are applicable to this site. The drive through itself will be more than 150 feet away from any intersection. Our closest intersection here is Cedar Street and Fenn Road, the drive through is located more than 150 feet away as well as any curb cuts that are leading to it, so we certainly satisfy that requirement. Michael, with the Chair's permission, I have some copies, additional copies of the site plan there, a reduced scale for the Commissioner's that are sitting far away from the board, and with your permission I will pass them out to facilitate this.

Specifically with respect to the drive through and the circulation of this site, right now I will specifically address site circulation and location of the drive through. The drive through itself has more than sufficient queuing to meet current guidelines and recommendations, the Department of Transportation, the Town guide lines. We actually have a rather circuitous path to get through the

drive through for cars. It serves two purposes. One, it increases the queue length associated with cars, keeping them out of drive aisles and out of any public ways, in addition it works as a traffic calming technique, so we can slow the movements of the cars moving through the drive through here. When you take a look at the site, in its totality we have a hotel located over here, we know and understand that there are going to be pedestrians, not only from any potential retail here, the bank and the Starbucks, we have a 124 room hotel, so we were very careful in trying to design this site from a pedestrian standpoint so we could not have pedestrian conflicts with the drive through. Specifically coming out of the front door we have a cross walk going over to a landscaped area, an additional cross walk going across the drive through lane itself. Once again to get to the drive through lane in either direction you have a rather circuitous path, to meander through that path, it's going to require the vehicles to drive at a relatively slow speed. That is exactly the goal that we are seeking here is that we want to slow the cars down from a pedestrian standpoint. Parking for pedestrians, we've located it out in front of the store, sidewalks directly into the store or into the bank. They will not impact or cross the drive through here, or for any potential bank that may exist in the future over here. We've provided a sidewalk the full length from the hotel going over here to the Starbucks through the landscape islands here augmented by landscape as we go on the front and side here, so once again another attempt to eliminate any pedestrian conflicts that are associated with the drive through itself.

Our queuing, we will be able to stack twenty, thirty cars before it would have any impact on any intersection, be it Cedar Street or Fenn Road.

Egress from the site, fairly simple, cars exiting the drive through have the exact same rights that previously have been discussed here for site circulation. They can egress to Cedar Street via right out onto Fenn Road, via right out, if they do need to make a left hand turn movement they will cross over the state property here, through the Stop and Shop Plaza out to the signalized access point.

All consideration has been made with the location of this drive through to satisfy the "what if" principles from a planning standpoint. It's been presented to you, there are discussions going on, considerations of potentially changing access points, reconsidering alignments, things of that nature. The plan as presented here has been developed based on the "what if" principle and then basically "what if" the access moves over, 'what if' the access moves here? Will this work if any of those changes are to occur? This was developed, so this is going to stand alone, this stays the way it is, irrespective of any changes that may occur. It works perfectly under the present configuration, with traffic entering from Fenn Road, into the drive through and exiting as appropriate, or cars coming in off of Cedar Street, accessing the drive through directly. So from a traffic and internal site circulation standpoint, we think this is a very effective manner to approach the drive through as opposed to some of the more traditional fast food restaurants and/or doughnut places, where there is immediate access off the state highways to the drive through that people are more accustomed to seeing, and then cars backing up out onto the state highway. I would suggest that it is virtually impossible for cars that would be utilizing this drive through here to back up out onto any intersection.

In addition, if we look at the site plan, the master plan for the site plan that we have there, it's consistent with the future characteristics, the development characteristics that we are talking about. We have the hotel, it's an accessory use to the hotel, seems to fit very well. If we add the bank on, and additional retail, I would probably consider it convenience retail. It makes for a nice center if that happened to be a pharmacy or a convenience retail we could see this being an anchor location, a corner community where people can go in, one stop, there is banking, there is convenience retail, along with the coffee. From a hotel standpoint, they are accessory uses, very complimentary in nature and fairly well designed for the site, so I think it is a compliment for a gateway corner coming into the municipality here in Newington, so we did look at the surrounding characteristics, we do believe, to the best of our knowledge that it fits well, and the uses are in need in this particular area and consistent with the highway nature here.

I previously mentioned that utilities are available to the site, that is a consideration for the special permit. Adequate water, sewer, gas, electric, fiber, there are no problems associated with any

utility availabilities there. Signs, lighting and landscaping, the landscape plan that is shown there certainly meets and exceeds the zoning regulations here. If you look at the master plan I believe there is probably 110 trees, not counting any shrubs on the master plan, on approximately a six acre site I believe that breaks down to probably seventeen trees per acre, somewhere in that nature. I only wish the people who develop in the area where I live would decide to put seventeen trees on an acre as they are developing it. Landscaping is generally much sparser than that, and that does not consider any of the shrubbery and plantings adjacent to the buildings in these areas, or the shrubbery and landscape islands on the periphery on the site. So we do believe that it is a nice job and will be complimentary to the architecture.

Site lighting, this certainly is not a dark sky area, but we fully intend to comply not only with zoning regulations but since it is not a dark sky area, we'll still be using standard shoe box fixtures, direct lighting directed down into the ground, not into the sky. We do realize that there is a highway adjacent to it, and it glows as it is now. It is not our intent, for a commercial development particularly since there is a hotel there, to add to the glow, so we will be working very hard on our lighting, direct and hopefully make it a model for future developments.

Not only do we believe that we are safe guarding and protecting the immediate vicinity and the characteristics of the land here, it is our goal, through this project and hopeful consideration work with DOT as well as the Town, rather than to safeguard in the immediately vicinity and the characteristics, to actually improve on them, by providing better access, potentially both in working with the busway as well as the National Welding location. I believe I covered the majority of the criteria associated with the special permit excepting traffic at this point and I would like to turn it over to Mr. Karimi from VHB to discuss the traffic.

Vahid Karimi: For the record, my name is Vahid Karimi from VHB. As part of this special permit we have looked at the traffic generation, we have looked at the internal circulation, we have looked at access, we have looked at the plan improvements for Fenn Road and Cedar Street, both short term and long term, and we have made the determination of what is best to accommodate under this special permit so that the plan is consistent and compatible with the future busway project as well as the future plan for the immediate area. I don't think I am going to go into a lot of detail. I know the Commissioners have heard from the previous applicant that the trip characteristics of a Starbucks is very similar to Dunkin Donuts, to Tim Horton's and any type of fast food restaurant that has a drive through. A few years back the Connecticut Department of Transportation conducted a survey at several of these facilities and what they determined was that the peak characteristics of use of this nature is in the morning. As you know, a lot of folks going to work and dropping by and picking up their coffee and continuing on their trip. Just to give you the magnitude as you heard previously, from the previous applicant that in the morning we could expect as many as 400 trips, that's 200 cars, vehicles entering and exiting the site. But again, what is important to understand, these are not primary trips, these are all the trips that are already on the roadway, and again, as I mentioned, that trip characteristic relates directly, correlates directly to the magnitude of the volume that is going by this site. So when you are looking at a roadway that has a lot of traffic it's going to draw a lot of usage from that, so we are not bringing more traffic into the area. Now other times of the year, of the day certainly there are folks that are going to be dropping by and getting their coffee, but again that peaking characteristic is going to be in the morning. I think what is also important from a traffic circulation is that the site can accommodate the queuing, or the stacking for the drive through. VHB has done a lot of work with Starbucks throughout New England, we have monitored many sites throughout New England, and what we have determined is that during the peak, their peak is really, we are looking at upwards of eight to ten vehicles at any one time, certainly is a little bit higher during the holiday season for whatever reason folks decide to get their coffee but what I think is important is, as Patrick mentioned is that the site is designed in such a way that we have ample queuing distance or stacking area without impacting the adjacent roadway. I think that is very important, that we don't encroach onto the commuter roads that carry a lot of traffic, so we have been kind of careful to make sure that the site has adequate circulation within so we are not

impacting the highway. Also, as Patrick mentioned we are also consistent with the future plan for the busway project because that is an important piece of this development in the area, and certainly the project that the town has before us on the project, on the adjacent property. So looking at all those scenarios I think it's important that we designed the site in such a way that we address those issues individually.

As far as the overall impact on Fenn Road and Cedar Street, with the amount of traffic, we are looking at just, for this particular special use we're looking at, it's not going to be significant, it's not going to be any major impact that is going to be drawing a lot of traffic onto the roadway system at any point in time, and when you look at uses like office or other type of commercial uses where you are discharging a lot of cars all at once in the peak hour, that is significant and has an impact on the roadway system, especially at the intersection, and we all know what that intersection is during the peak hours. There are times when the traffic backs up onto Route 9, but what I think is important again is the fact that this particular part of the application that we are looking at for the special permit, this particular use again is not a significant generator in terms of any new traffic on the roadway system, and certainly complements the other uses that we talked about.

As far as the other two uses that we are looking at, the bank and the hotel, certainly again, each of those have their own traffic characteristics as well. As you know hotels have a tendency to have a lot of folks leaving the hotel in the morning which some time coincides with the Starbucks peak, but again, knowing that some of these hotels are for extended stay, you know, you don't have that discharge of customers at any point in time. It's a little bit more staggered during the peak period which is somewhere between six and nine a.m. For the rest of the day the hotel really doesn't generate much traffic as far as folks checking in, after three o'clock or so, which is not really in the peak of the adjacent street traffic. Certainly the bank, there are banks that open early in the morning, and there are others that don't open until nine o'clock. So, again that is another complimentary use to this site.

That's really what I have to say, and I'm here to answer any questions the Commission members have. Thank you.

Attorney Jacobs: That is basically the presentation on this. We do, I know that you are going to continue the hearing, you may have questions about Starbucks as you did the other operation. We are going to have a representative from Starbucks at the next meeting, but if there are questions we would like to tell them, but we will have somebody here to answer questions, so it will help us if you have the same kind of questions you had on the other one, we'll get you the answers probably with somebody from the company.

Chairman Hall: Questions from the Commissioners?

Commissioner Niro: Is that radius big enough to make that turn? That looks like a sharp radius.

Patrick O'Leary: I'm working on the assumption that you are talking....

Commissioner Niro: Right there.

Patrick O'Leary: Yes, we actually have checked that with Auto-Cad computer simulated turning movement, and basically what we used for this was the largest SUV that is available as opposed to a passenger car and the criteria we generally set forward is to have a foot to a foot and a half clearance between what is modeled as the tires on the auto turn movement, and any of the curb lines, so it's not right up against the curb, we are leaving about a foot to a foot and a half cleared distance as the vehicle is moving through there, so they should be able to circulate with no problem what so ever.

Commissioner Niro: How many cars do you think that that spot can hold before you are out....

Patrick O'Leary: Before we are out into this area here?

Commissioner Niro: Yeah.

Patrick O'Leary: Five, maybe six, and then we are in the drive aisle here, and the drive aisle here, and then we have the drive aisle here.

Commissioner Niro: There could be a period of the day where that is all filled and that could be a traffic jam trying to get in there, in both directions.

Patrick O'Leary: When you look at the overall site circulation, it's difficult to imagine having a traffic jam in any location on the site. We did look at that.....

Commissioner Niro: I mean, trying to get into that.

Patrick O'Leary: Going back to the "what if" principle, if we get seven or eight cars and it stacks out to here, traffic is not precluded at that point from entering into the site. You still have a free flowing lane moving down this way. In the event, and this goes back to the "what if" principle, a lot of people do stop there, we have circulation around this way on the site. Similarly if you look just about any way that you think of stopping a car here, we can re-circulate around the site in another direction to get there, where there would be more than ample stacking. Then it would become a matter hopefully of people using common courtesy, you know, people coming through this way, stacking in this direction, we can't signalize a drive through entrance. So, from a stacking standpoint, I would venture a guess, twenty-five to thirty cars stacked on this site, easily, prior to having anything flow out into the street over here.

Commissioner Niro: Have you designed anything with that tight radius before?

Patrick O'Leary: Absolutely. Aside from having been involved with Starbucks and Dunkin Donuts, I've been involved with probably 250, 300 CVS projects with drive throughs.

Commissioner Niro: Of that type?

Patrick O'Leary: Of that type.

Commissioner Niro: And it works well?

Patrick O'Leary: Yes, actually we call them tear drops. We didn't quite get the tear drop element down here, but in many cases it's shaped more like a tear drop than this and they function very well. We've never had a problem with the turning movements going through there whatsoever, so we are very comfortable with it, having done it numerous times with that movement.

Chairman Hall: Other questions?

Patrick O'Leary: As a matter of fact, if you would like to try it, it was just pointed out to me that, for a Starbucks itself, this particular design is in place at the Starbucks that is in East Windsor, Connecticut, so if a Commissioner driving by wanted a cup of coffee, they could actually test the turning movements and validate what I have indicated here.

Commissioner Niro: Thank you.

Chairman Hall: Any questions? I have a couple. What is this movement, and what is the loading zone?

Patrick O'Leary: Both of the proposed uses here for Starbucks and the bank have fairly limited truck deliveries, usually single unit trucks associated with it. If you think about the wares that are in a Starbucks, fairly limited, they sell some coffee cups, coffee beans, a few bakery goods, so we have dedicated a loading zone over here, for trucks, single unit trucks to stop and service the Starbucks itself, and/or the bank, so commercial trucks, vehicles, we have dedicated here. We have three employee parking behind the bank over here, as well as placing the dumpsters associated with the Starbucks and we tied them right into the corner back here so they will not be visible generally to the public. This area back here I will call an operational area. If you look at some of the landscaping here you will see that there is a higher, denser concentration of landscaping around what I am calling the operational area because typically this is associated with the untidiness or the unsightliness, nobody wants to look at dumpsters, nobody wants to see a truck unloading, going into the Starbucks, or the cleaning crews for the bank, so what we did was try to shield this area back here, the operational area as much as possible.

Chairman Hall: Another question, what is to keep someone heading east on Cedar from coming in here, taking a left turn off of Cedar? Signs, you know how well those work.

Valid Karimi: I think right now the way that the driveway is shown, we are proposing a right out and basically this could potentially accommodate the left in because it is not really what we would consider as a triangle island to force folks to a right in and right out. This certainly can be adjusted and this is something again subject to review by the Connecticut Department of Transportation as part of our encroachment permit because that is in of their jurisdiction.

Chairman Hall: The gas station is right here.

Valid Karimi: That's correct, and their driveway right now is right at this location.

Chairman Hall: With the no left turn that doesn't work.

Valid Karimi: That's correct.

Ed Meehan: The gas station at that point is only right turn in, there are left turns that people make into Bob's Carpet. We talked about that at staff with ConnDot and the idea of even putting a median, a raised median out onto Cedar Street came up, but it's going to have to be something that the Department of Transportation buys into.

Patrick O'Leary: In addition, the reason that this has not been restricted geometrically at this time is the only access serving this location and typically their turning movements to get any type of vehicle down to the warehouse or the industrial site, are vehicles coming off Cedar Street doing a, with time, and assuming things can be worked out correctly, there would be a new access for the industrial site here which would possibly preclude the need to have an access point off of Cedar Street down here. This is not a good access, you know, if we are talking about quality, high quality access, this would be probably very, very low on that standard, but we could not eliminate the access down here and that's the reason that this hasn't been restricted completely at this point to match that geometric configuration was to maintain the (inaudible) of vehicles going down there.

Ed Meehan: If I could just add to that area, I don't know if there is any, and it's in my staff report which I need to get to your development team, are there any easements over 712 Cedar Street in favor of National Welding, access easements? How does one get down that driveway if the driveway becomes narrow because they widen Cedar Street?

Attorney Jacobs: There is, Rich says that it's not on the property that we own, there is an access easement along an existing driveway that leads into National Welding. I think that's what the easement document says. I thought it was on our property, Rich says it's not on our property, but there is a driveway there and that driveway serves as an easement into National Welding.

Ed Meehan: Because it runs parallel to Cedar Street and it's in the state right of way.

Richard Hayes: And half owned by the Town. Half owned by the State, half owned by the Town.

Attorney Jacobs: So Rich is saying, definitely it's an easement, and apparently it is on state and/or town property.

Ed Meehan: This whole area again, with the evolution of the site is going to be very important because the Town has been put on official notice that the bridge over the busway is going to be widened. The design engineers have started that process and when that gets widened, the deck is going to push out into the right of way. So access from Cedar Street, that very hard right turn down probably won't be physically possible, so again, that is why the access from Fenn Road is very important to the town, and to this developer, really.

Attorney Jacobs: And it is a state road so obviously the state is going to make the final decision on what happens there, but you know, we are trying to accommodate everybody, not just ourselves and that is why we find ourselves in that particular situation, it's not because we care about it, we don't care. We don't need it, in other words.

Commissioner Ganley: This shows your driveway, see where I have the notation, National Welding, and it's on the National Welding property.

Ed Meehan: Yes, this is from the corridor study.

Commissioner Ganley: That's the subcommittee, Fuss and O'Neil Conceptual, etc., They got that from us, so it has to be accurate.

Ed Meehan: Right, another access point that we have to keep our eye on.

Commissioner Fox: Through the Chairman, where are you going to put the snow?

Patrick O'Leary: Primary snow storage location will be along the detention area over here. Until this area is developed, there is more than adequate snow storage here, and even in the post development, we have areas over here for snow storage. In addition, if you look at, when we get to the site plan review portion this evening, there is specific notes on the plans that detail in the event they utilize to the fullest capacity the snow storage areas that they have here on the site, the developer is responsible to dispose of the snow off site at his cost. That is addressed completely on the site plans.

Commissioner Fox: Thank you.

Chairman Hall: Anyone else? Ed?

Ed Meehan: I would agree that this hearing should be left open and details of the Starbucks special exception just be kept in mind as the site plans go forward. I guess when we get to site plan, a lot of things are going to be overlapping here, when we get to site plan, that is the appropriate time to talk about building elevations and architectural and so forth.

Chairman Hall: At this time, is there anyone from the public who has any comment, positive comment? Any member of the public, negative comment? Any member of the public with any comment? At this time, we will keep this petition open. Everyone in agreement?

**III. PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

**IV. MINUTES**

December 12, 2007

December 27, 2007 Special Meeting Field Inspection – 240 Culver Street

Commissioner Kornichuk moved to accept the minutes of the December 12, 2007 and the December 27, 2007 Special Meeting Field Inspection. The motion was seconded by Commissioner Ganley. The vote was in favor of the motion, with six voting YES and one abstention for the minutes of the organizational meeting (Fox).

**V. COMMUNICATIONS AND REPORTS**

Ed Meehan: On the table at each Commissioner's location I have copied you on a letter that was sent to the property owners down on Rockledge which developed out of our conversation at your meeting on December 12<sup>th</sup>, about the issue of the grading and the stabilization of the slope. I think the letter speaks for itself, and we will, all three parties got the letter, we sent them out Certified and we'll just keep on that until planting season comes around.

**VI. NEW BUSINESS**

- A. **PETITION 55-07 - Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for site plan approval for 2,285 sq. ft. restaurant use, B-BT Zone District, represented by Peter D'Addeo, 154 New Britain Avenue, 2<sup>nd</sup> Floor, Rocky Hill, CT 06067.**

Attorney Alter: We made a rather extensive presentation during the public hearing with respect to the special exception. A great deal of what would be part of this record is what was presented earlier, so with the possibility of avoiding repetition I would certainly ask that that testimony be considered part of this presentation, well, unless you would like to hear it again.

Chairman Hall: I think we can remember that far back.

Attorney Alter: Good. There are some matters that were not part of that presentation and I'm going to ask AI to go through some of the details of the site plan that were not part of your consideration as part of the special exception. We also have a written report, the site as everyone knows has substantial stone that has to be addressed. We have retained a blasting expert and advisor and had him prepare a written report, he is here tonight, but we did want to submit the report as part of our materials and as I said, is an element of this and Mr. Bongiovanni is going to be able to explain the level of activity in those parts of the site that are going to require the services of an excavator and blaster. In addition, as far as additional materials are concerned although there was some discussion during the public hearing regarding the operational aspects of this coffee shop/restaurant, part of the requirements under the site plan is the interior design

showing the seating layout and we do have that just to give everyone an idea of what is involved. I don't know if you received one of these or not. It shows a plan of 37 seats, and I think if you look at this, you can see that there is a food prep area, as well as the other kinds of facilities that are required, rest rooms, handicapped accessibility, as well as a break area. But that is a typical layout of the kind of facility that we propose to construct here. What I'm going to do now is ask Al to walk you through the site plan to sort of pick up those items that are not part of the special exception application and to then answer any questions that the Commissioners may have. Mr. Baltramaitis is still here and Mr. D'Addeo is here if you have questions.

Alan Bongiovanni: Good evening, again for the record Alan Bongiovanni, 170 Pane Road, Newington. As you may recall at our earlier testimony the subject site is about 7.7 acres in area. It's straddling two zones, the B-BT Zone which is where the proposed activity is to take place at 3.4 acres and R-12 to the east which is about 4.6 acres. It's a relatively simple, straight forward site plan. All of you are aware and this orange represents, this is the limit of rock excavation that has taken place in the past. We have designed the site to fit within that pre-developed area. There is a right turn in, right turn out, simple circulation around the site. We have for parking, we have twenty-four spaces, twenty spaces per thousand is the requirement for the public space and we have a little under a thousand square feet of public space, it would require twenty spaces, we have shown twenty-four. We've got a drive through lane which is twenty foot in width, so it will accommodate not just the stacking of the vehicles but a by-pass, or an exit lane from the site so they can traverse out to the Berlin Turnpike. The site is serviced by MDC sewer which is available almost to the property in an easement in favor of the subject property at this point, and MDC water which is available, this is an overall of the site. There is MDC water available at this point was brought in during the development of Pine Hill, the future development of this parcel. There is also water available on the Berlin Turnpike. This is how we have chosen to show it, for the time being. The problem with the water on the Berlin Turnpike, it's on the other side of the highway. When Wendy's was constructed a simple water service was brought underneath the pike to service this building. It may be cost prohibitive to go under the Berlin Turnpike to bring in water service for this, but we do have MDC water available on the site which would traverse across country. It's a one inch pipe, it wouldn't require any great clearing or excavation, most of this hillside is actually cleared with some second growth, but it's beyond the residential neighborhood and into the property. The site basically drains from the east to the west towards the Berlin Turnpike and we are proposing to maintain that same drainage pattern. We have a large drop off here, about fifty foot in elevation where the rock cut has taken place, and then everything comes out toward the Berlin Turnpike. We are proposing to provide underground detention in the front of the site to incorporate or to mitigate the effects or any increased impervious area, building, parking, walks, drives and such, and then a separate drainage system to capture any of the overland flow that comes off the undeveloped portion of the site. We have adequate site lighting within your regulations, full cut off spotted around the parking lot, we have underground electric and telephone which comes from a pole to be relocated right in front of the site would come in and service the property. To the rear of the building screened and landscaped would be the dumpster location, this would also service as loading and unloading for goods that are delivered. One of the concerns I know, living in the Town of Newington, coming before the Commission on various occasions, I've heard the chatter, it looks like a quarry, you've got that big expanse of rock, what can be done. Mr. Meehan has asked me many times, what are going to do to fix that? When this area was excavated, all the overburden and it's about five foot thick was stripped off and stockpiled up in this area here. What we are proposing to do is take those stockpiles and actually push it over the edge. That will allow us to fill at a two to one slope about twenty-five foot, or half way up that rock face with earth, and then we will detail how we would stabilize and seed it with a crown vetch so it would grow into a natural, look like a natural feature, green ground cover. Beyond that, we're proposing to put a row of evergreens at the base of the hill, they are

white spruce that will grow to a forty or fifty foot height in time, to help hide some of that hill. The rendering that we have of the site while I'm talking about landscaping shows in about fifteen years what the tree height would be. These would be twenty-five to thirty foot in about fifteen years, and cover to about where the sloping would take place so it's going to do a lot to improve the aesthetics of that area. Beyond that we have provided some nice detailed landscaping around the site, some shade trees around the parking, some seasonal color and plantings like that, we have a hedge row between the proposed parking lot and the Wendy's. Mr. D'Addeo has had conversations with the people at Wendy's. They are slated for a periodic landscape upgrade and they would like to sit with our landscape architect to work with a common plan if this is approved, so we can work these things together and blend the sites together in a proper fashion. From technical aspects, I believe our site plan meets all of the requirements as far as parking, circulation, dimensional requirements, it has all the utilities. Our drainage system, we're still working with the town staff but I believe does meet all the requirements for the zero increase in run-off.

Some of the comments that came from the engineering staff were relative to the amount of material on site. What is it going to take to effectuate this site plan and how much material would have to come off the site? We've added that to the plan, the staff hasn't had a chance to review these yet on sheet 4, site development cut and fill table. The entire site we need to cut 4500 cubic yards, and that is really confined to this area. There's a ramp made out of rock that goes up accessing the back part of the site, it's too high. In order to put the driveway in here we've got to reduce the grade some fourteen, sixteen feet in this corner. That's going to yield a cut of about 4450 cubic yards of material. The building portion of the site is low. The amount of fill required, to take that much cut up, we need 7,700 cubic yards of fill, so we have a net shortage on the site of about 3240 cubic yards. We then estimated the amount of rock that would have to be blasted to make this work. We took the worst case, assuming that everything to the surface is rock, which we know to some depth has already been shot and broken, but that estimate is about 3800 cubic yards. When I say estimate we've calculated through a computer program the design surface and the existing surfaces. Those estimates are probably, give or take two or three percent, so they are fairly accurate. We have 3800 cubic yards of rock, worst case we would have to remove, and that's basically confined to this quadrant of the site. The top soil that we have in these piles here beyond the site development to cover that berm is about 6500 cubic yards. Given the amount of rock that we are going to generate, 3000 plus cubic yards, when you blast it, it swells. It will grow in size, typically about one and a half times. If we are fortunate and it grows one and a half times, the remainder of material required for the site would be pretty much confined to pipe bedding, processed stone and dust underneath the pavement and the pavement foundation, things like that. So the site is a fairly balanced site, there is no proposal to remove material from the site to make this site plan work. When it was excavated earlier it was done for a development that covered about the same amount of area, so all that work had already been done. There won't be any over the road traffic for any significant amount of material. I'm not going to tell you that ten loads of stone might not leave there, but there is no mass hauling of material to make the site work.

Part of the blasting plan that was done by Vets Explosives also talks about crushing. Given the limited amount of material, if you recall in the past when the rock was blasted there was a one piece crushing, piece of crushing equipment there, about ten foot wide, thirty foot long. It would be the developer's intention to not just blast the rock, but crush it to two inch minus size so that it can be used on the site without too much trouble. Given the tonnage, maybe up to 7000 tons of materials, that 3200 cubic yards, at a hundred yards an hour, or a hundred tons an hour, could take maybe seventy hours to accomplish. It's not a big task, it's not something that would run for weeks, months, and a whole season. In relatively one, two week period any crushing related to the blasted rock on site could be handled and then the site finished off.

In regards to the other comments by the staff, planning as well as engineering, I don't believe that we have any differences of opinion. I think there are some things that we just need to sit and talk with staff about. I think we have incorporated most of their concerns on the plans, but over the

next couple of days we should be able to you know, finalize any of the comments that they have. We think again, the application is cut and dried. It's a very simple site plan. It's a very small site plan. All the utilities are there, it's being designed in accordance with the Town of Newington regulations. It is an opportunity for the town to get a half built site finally finished. When the site was originally approved and it was approved with a speculative office building, it's taken, five, six years since it was approved.

Ed Meehan: Too long.

Alan Bongiovanni: Too long, to no avail, although the landowner had good intentions of making that development, it never came to fruition. This is an actual developer, Mr. D'Addeo proposing to build this and build this in the immediate future. So I think from that perspective, this works. It's a good solution, it's an attractive building, it's consistent with the structure immediately to the south. Just in elevation it's well screened and hidden from the proposed or on-going residential to the north, it's permitted in the zone, by special permit and I think it would be a plus for the Town of Newington, and it works. We're not asking to cut corners, we're not asking to waive or eliminate things, everything fits on this site. I don't think you could get a smaller commercial development that would be viable, other than what we have proposed here. Having said that, I'd be happy to answer any questions that you might have.

Chairman Hall: Questions from the Commissioners? I have two. Two things intrigue me. You are going to take material from here.....

Alan Bongiovanni: These piles that are green here.

Chairman Hall: And bump it over the side.

Alan Bongiovanni: Bump it over the edge.

Chairman Hall: Where is the excess for that?

Alan Bongiovanni: That is what is the sloped area here. Even if this blasting occurs first, this is a two to one slope, re-grading, so a track machine or an excavator could navigate that drive up there, push the material over and come back down. You wouldn't do it in a car or truck, but a piece of construction equipment could do that.

Chairman Hall: That's my question. The access is from here or from up on Harold Drive, or what?

Alan Bongiovanni: Right from the site, you come right in, around Wendy's, drive up here, come up the hill, this shows it better. This looks like a roadway that was boxed, which it was, boxed out here, you come up here, see that area, push that material and then reseed it.

Chairman Hall: The second question is the water line. This is almost down to the cul-de-sac on Harold Drive.

Alan Bongiovanni: Yeah, the cul-de-sac is about in this location, about three houses away.

Chairman Hall: Then how does that get through?

Alan Bongiovanni: That's a two foot wide trench, fifty-four inches deep, or to the top of the pipe, and it's dug, there's at least five foot of overburden on that whole hillside from our experience working there, in all of this, plus when this was installed the water main in actually in this location,

that a simple trench with a small even landscape size excavator, will dig that, lay the plastic, copper pipe, backfill it and be done.

Chairman Hall: You said it was a one inch pipe.

Alan Bongiovanni: One, yes, could be as high as one and a half, but we think it's going to be a one. It's not much more than a domestic water service.

Chairman Hall: Any other questions?

Ed Meehan: I don't want to be an obstructionist because this project is long overdue to wrap up and restore this site. I'm a little bit concerned about what you said about the blasting and the crushing on site. The Commission changed the regulations effective the end of July I think, or August, the last wholesale changes to prohibit crushing, except by special exception and a two thirds vote. If you can avoid crushing on site, I don't think you have to come back to the Commission and go through that but if you are going to crush on site, that option is no longer available the way I read the regulations.

Alan Bongiovanni: Well, this is not a crush for extra, it's no different.....

Ed Meehan: Crushing is crushing. You have a piece of equipment there, right?

Alan Bongiovanni: I know, we have had this argument before, but I look at it, in this instance, I'm taking an earth material, I'm moving it from here and in order to make it palatable to work in another part of the site, I need to break it up. If I took these overburden and topsoil piles and wanted to create one, I'd bring the screen there. That's never questioned, nor is it even addressed in the regulations, I'd bring a screening machine in, which is about the size of these portable crushers, I would screen, I would plant my lawn, I'd leave, and nobody would know the difference.

Ed Meehan: Well, the last time crushing was operated on this site, Mr. Stamm got a special exception in conjunction with his excavation permit.

Alan Bongiovanni: And I think that was, if you look at the minutes of those meetings, because there were thirty or forty thousand cubic yards, it was the sheer volume of the material....

Ed Meehan: The regulations don't say whether it's ten thousand cubic yards or five thousand cubic yards or seventy, but up until this past summer crushing was permitted by special exception and it was done up at Pulte and it was done by Mr. Snow I think down on Rockledge or Waverly.

Alan Bongiovanni: It's not on the condos next to this?

Ed Meehan: That was before this was changed. That's the gist, that's the first time I've heard this.

Alan Bongiovanni: We would be willing, the applicant would be willing to come back if this was approved for that special permit because it doesn't make sense to haul the material away in big pieces, crush it up and bring it back.

Ed Meehan: The last piece of equipment that was on there was something that was, we have pictures of it, and it was plugged into Wendy's for water supply.

Alan Bongiovanni: Uh-huh, a portable track machine.

Ed Meehan: Is that what this is envisioned?

Alan Bongiovanni: It's going to be the same piece of equipment, different manufacturer, but probably with our own water supply at that point.

Ed Meehan: I think the Commission needs to know more about that.

Alan Bongiovanni: I will provide some pictures of that equipment and specs prior to the next meeting. Net amount of material doesn't make or break this site. It's just a matter of economics in that it doesn't make sense to haul it off, create that truck traffic, to and from three places.

Ed Meehan: I know, it sets a precedent. The Commission changed its regulations, they had a reason, they made a policy decision. You appear before this Commission a lot. Five months from now you are going to say, well, you let them do it on Tim Horton's. I've seen it so many times. I want a level playing field, but I think it's heading in the right direction to get the site, fifteen years is a long time for me to wait to see the trees get that tall, hope I'm around to see it.

Alan Bongiovanni: Well, what you will have though is that slope in a month or so will turn green with the grass.

Ed Meehan: Are you going to be able to hydro seed that and stabilize that? Some of your details talk about grass mat.

Alan Bongiovanni: We will have a grass mat and we will seed it because it is a two to one slope. I believe the seed mix has already been specified as a crown vetch which is a self maintaining. It doesn't need to be mowed. It will grow and lay over and it will die and keep growing and develop a really deep root structure.

Chairman Hall: Any other questions. I guess we are all set on this one. Thank you.

Alan Bongiovanni: Thank you.

**B. PETITION 58-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan development of mixed commercial uses, 15,000 sq. ft. retail, 124 room hotel, 1,600 sq. ft. restaurant and 3,600 sq. ft. bank, PD District (Proposed.)**

**C. PETITION 61-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan approval for development of 124 room hotel, PD District. (Proposed.)**

Attorney Jacobs: Leonard Jacobs, 146 Main Street, Manchester, same cast of characters, except we do have an architect, Alan Lambson, who has been sitting here all night and now that we're ready for him seems to have left. But I imagine that he will show up again. That's fine, we'll do the bank and we'll do the hotel together. From our previous presentation you know that this is the Starbucks and the bank building, this is the hotel building, I have them separate now so I have to go through two sets of notes, and try to cover everything.

I do want to tell you this, that a site plan application is required to meet the regulations, if it does meet the regulations then of course it merits approval, it's not like a special permit. So we know that the Starbucks, we refer to as a 1600 square foot building, because we are using that count because that is the size of the building when you count traffic requirements. In reality, if you were

measuring wall to wall it would be called probably an 1800 square foot building. The difference is pretty small, but we called 1600 so that if anyone looks at the parking chart they will understand how we came up with our parking number. So it's 1600 square feet by one count, it's 1800 square feet if you measure it from wall to wall. The special permit we have done, you know the roads surrounding the site, for both applications are state roads and the state will control the process. What we have, as we indicated previously, for purposes of the application for your decision, we do have the road running through to pick up the hotel and the bank and the Starbucks and as Patrick O'Leary said, we have designed this area of the site so that the two buildings work together so pedestrians can go back and forth and then we do provide the way out to the light. It's important, and I know that I keep saying this to you, that although there is some discussion with the State on-going, of course at the end of the day, you have to decide the application as we proposed it, because we can only propose what exists today and the application as we propose it with the access through the Stop and Shop is safe and secure and gets us with good left turns out of the site for those people who might intend to do that. With regard to the hotel, unfortunately the, it's good that you will be continuing the hearing anyway so it's academic, but the person who was going to speak to you about the appearance of the hotel couldn't make it up today, but will be here when we continue the hearings. We will discuss the appearance of the hotel next time, but we will discuss the site, and everything related to the site tonight.

I really don't have much else to add. I did tell you that the site does meet all the zoning, all the technicalities of the zoning requirements, which is of course our obligation with the site plan presentation. So I think with that background I'm going to turn this over to Pat O'Leary and we are going to try, as best we can, not to be repetitive, it's a little bit hard to, you know when you have done the special permit application with the Starbucks and we told you everything, but we'll perhaps try to incorporate as much as we can by referencing the information that we told you about the Starbucks so we won't make it more, I don't want to say boring, because I know that you don't consider this boring, but we won't make it any less exciting than we have to. Patrick why don't you start and discuss the site plan for both of the uses?

Patrick O'Leary: Thank you, once again, my name is Patrick O'Leary. The difference of the plan that you are looking at now from what has been previously presented tonight, we've been working off of the master plan that was associated with the zone change and that plan identified an additional piece for future retail. At this time there are no plans for that, and as shown here on the plan that place, this area over here will be left in a natural state.

Everyone is familiar with this site I'm sure. There was a previous application in years past when they came in, regraded the site and did some earth work out here and brought the site into what I would consider developable conditions. As such, from a grading stand point, the site is relatively at grade, there is not an extensive amount of cutting or filling associated with this site to get it into a prepared state for the development of the two buildings here. Materials will ultimately be an import to the site, and the reason that it will be an import, is developing the site is going to require base materials for the paved area, which will be imported as well as the paving itself will be imported, topsoil will be imported, so there is no net earth cut/fill earth work associated with the site, but there will be import of the finished materials, be it the pavement, the base materials, and top soil on the site.

Development program as Len had indicated that is under consideration, a four story hotel that is about a ten to eleven thousand square footprint. It's four stories, one hundred twenty-four rooms in total. Have an 1800 square foot Starbucks, as noted by Len, we are listing it at 1600 for calculations associated with parking. The building itself is 1800 square feet, totaling 5400 square feet total GFA with 3600 square foot bank. The bank itself does have a drive through facility associated with it. I don't believe that there is a tenant identified, it's just part of the overall plan being permitted at this time. Banks today traditionally will require one drive through lane and typically the outside lane here is an ATM lane.

Similarly as with the Starbucks there really is no site circulation difficulties or problems associated with it. We have two lanes here, very good access into and out of the drive through facility. Operationally for this building, we've previously discussed it. We've put all of the operations tied to the back side so they would not be visible from Fenn Road and then we provided additional screening and shielding so it would not be visible from Cedar also. We provided a buffer for the hotel, for the rooms looking out over there to shield the operational side of this.

The site is parking compliant, in fact I believe that we have four spaces in addition to what are required for the parking requirements based on the restaurant, bank, and hotel. Once again we prefer to leave four extra spaces as opposed to turning it into landscaping at this time because if there is any minor differences in the square footages of the buildings once it goes to architectural design, it leaves a little buffer to accommodate that.

Site access I think we have talked about at length tonight so I'll defer, if there are questions I'll answer those.

Utilities for the site I have mentioned previously, all utilities are available on site, we have met with the appropriate utility authorities. Water is being looped through the site so it will be a continuous loop water system, sewer is readily available. Site lighting for the site, there is a photometrics plan that has been incorporated in the site plan package. I indicated earlier as part of the presentation we will be using direct shoe box fixtures on this site, with all lighting directly downward. Of course as noted previously, this is fairly well lit area, we have the high school fields over here that are fairly well lit through much of the night, ice arena, the highway, certainly would not be any area that I'm necessarily concerned with dark skies. On the other hand, we try to maintain reasonable limits on lighting, irrespective of what the surrounding conditions might be. Our greatest concern will be pedestrian accessibility for the hotel. From the immediate vicinity of the hotel I would expect lighting to be running in the six to ten foot candles, in the sidewalk areas over here, similarly any of the pedestrian access areas in this area I would expect relatively high foot candle requirements and try to move down to one foot candle, maybe a foot and a half at the property line to minimize any overflow of the lighting out there.

Site landscaping, I mentioned previously about 120 trees, 110 trees being placed on the site, mixed variety of trees, elm, birch, red maples being placed on the site in conjunction with a number of carnivorous trees that are being used. Somebody had brought to our attention that you will have the hotel rooms overlooking the old Welding building down here. One of the fastest ways to screen and shield is using carnivores along this area, white pines, spruce, they grow relatively quickly and provide a very effective buffer to shield. Depending on future development there, these trees could be thinned, if it becomes amenable to get rid of the trees because this is very aesthetically pleasing, yes, I'm sure the developer would do that.

Storm water for the site, storm water is being collected in catch basins, there is a utility plan as part of this site plan package. We do have one here with us, but there's not showing anything particular on that plan that warrants that great a discussion. Storm water will be captured in catch basins, routed through pipes over to a sand filtered detention area. We have been working with the Town Engineer, there is a change that needs to be made to the grading and drainage plan, we have been requested to put a mechanical particle separator, it's a pre-treatment prior to the water being discharged over at the sand filter. The developer has agreed to that, and we do have to revise the plans to reflect the design of the particle separator, or technique storm-septor type unit and incorporate that into the plans. Plans will be revised prior to the next meeting, incorporating that per the Town Engineers comments.

We did receive engineer's comments, we have provided a response back to him. I believe, to the best of my knowledge, we were able to fully address all comments that he had on there, be it clerical in nature in some cases, or technical where he wanted curb radii, storm septors, and we have agreed to all of his comments. I've not yet seen a staff report for this site, from planning, but I assume that we will be able to address those comments. The site is fully zoning compliant to the best of our knowledge. We can't find anything where we are not compliant with zoning here as we have developed the site, and we either meet or exceed all standards as per the zoning regulations here. With that, I'd like to turn it over to Vahid to address traffic.

Vahid Karimi: Again, for the record, my name is Vahid Karimi from VHB. I know that it is getting late and I think we have talked at length about traffic and the characteristics and the access and circulation, but I think what I would like to do is just quickly go over some of the traffic generation for these uses. I think that would be important for the Commission members to really understand just quickly. We normally utilize the standard ITE trip generation manual for forecasting traffic for particular uses and I'm sure you are aware of it, and certainly we have three uses right now, which we will be looking at the hotel, the bank, and the Starbucks. As I mentioned previously, they each have peaking characteristics but just to look at the bank, in the morning the bank generates somewhere in the area of forty trips, twenty vehicles entering and exiting the site, in the afternoon, and Saturday would really be the peak, when people start shopping, doing their shopping, we're looking at somewhere between 120 and 150 vehicles in the peak hours, so roughly about sixty to sixty-five, seventy vehicles entering and exiting for the bank.

For the Starbucks, we talked about you know, the generation would be in the morning, utilizing the state standard from DOT, but again what is really important is each of these, especially the bank and the Starbucks is going to draw a significant amount of traffic from the traffic that is already going by and these folks are normally from the area.

Your hotel is going to be regional, you know, the folks coming from outside of the town and the region, using the facility. The hotel itself, based on 124 rooms, in the morning we are looking at about fifty vehicle trips, twenty-five vehicles entering and exiting. In the afternoon, we are looking at about seventy, so these are not major generators, but I think, never the less it is important to understand the amount of traffic that this facility is going to generate. Again, subject to the encroachment permit process that we have to go and we have to submit technical data and analysis to the State DOT for their review and approval and certainly as part of the site plan we will be submitting that package to the Town for staff's review. With that, if the Commission members have any question I'll be happy to answer.

Attorney Jacobs: Patrick, do you have any comments you want to add?

Patrick O'Leary: I apologize for not covering it the first time I was up here, a couple quick notes that are important in the overall design and consideration. The storm drainage system as designed and shown here satisfies not only the site plan as being presented here tonight, but based on the "what if" principle we have made allowances and calculations to incorporate the storm water from any development condition over here. It's conservative in nature, we probably over compensated in designing this, for the worst case scenario of a future development, so what you see on this side of the site, and this side of the site, that is the storm basin that is there for this, it's the same storm basin that will be used for this, it's already been incorporated into the design, it will be constructed once.

Similarly, from the "what if" principle because we had those discussions with the (inaudible) there is an air of uncertainty. The hotel site as well as this have been designed based on the "what if." If the access location does change, we can accommodate it without making any deviations to the site plan here. If you look at the strip that we have down here, from a pure site planning perspective, and it may be a little inefficient as viewed right now, we have it designed that way, so that we have the greatest flexibility in accommodating any changes that may come through, working with the municipality here and/or with the State. We wanted to leave this area as open as possible so we could accommodate these changes without having to come back and redesigning the site plan, re-presenting site plans to the Commission and use your time, so the overall design, at present will we hope satisfy any changes as the project moves forward from a transportation stand point.

Attorney Jacobs: Thank you Patrick. Al Lampson, our architect in fairness, I want to say, has sat here for three and a half hours listening to everything, and this is his moment. Alan will describe the building to you.

Alan Lampson: My name is Alan Lampson, I'm president of FLB Architecture and Planning in East Hartford, Connecticut. I am a registered architect in the State of Connecticut and also a Land Use Planner. I'm here tonight in my capacity as an architect, so I don't compete with Ed. This is the building as proposed for the bank and the Starbucks. This is slightly different than the plans we had originally submitted, over the last few days we have modified the elevations to match the changes that occurred in the building itself. One elevation that we did color is the elevation that faces Fenn Road. The left portion of the building here is the bank, with this portion being the Starbucks.

The materials that we are using, which is on this sample board, the base is basically a stone, such as this, it's Ariscraft, it's a re-manufactured stone, it's in this wheat color across the base and even the top, the sill where the store front sits would be made out of the same material with a bull nose edge. So that the entire base is a stone material, it's about four inches thick, it's just like a brick is, but it is re-formulated stone. The brick that occurs you can see in all the elevations is a Belden brick, it matches, very closely the brick that is on the gas station right adjacent to it, on the corner. Talking to Ed, we were trying to match that to provide a little bit of continuity at the corner. All of the trim that you see, the gables are all hardi-panel, which is a cement, wood-fiber material, it stands up very well in the weather, doesn't crack, split, holds paint very well, is resistant to insect infestation and is very, very low maintenance. It's in a stucco finish so that occurs across here and it's also the screen around the mechanical yard at the top of the building. The shingles are a gray pewter shingle, architectural shingle, very thick, so that it gives some texture and quality to the top of the building. All of these materials carry, as you can see, all the way around the building. This is the south side, this would be the Starbucks here, this where the glazing is would be their customer area inside, this is the service area back here on this wall, which is also where the drive through window is, we've provided a gable structure over that to provide some weather protection for transactions at the window, across the back we maintain the same materials, here and this is the drive through canopy which is on the north elevation of the building for the bank. The ATM would be located at this island when we put it in and this would be the drive through window. All the mechanical equipment would go in this yard, it's recessed into the roof so that it's not visible from the ground level or from the adjacent roads, and again, the materials that we have shown we carried through the entire building.

Attorney Jacobs: That was certainly worth waiting for. I'm just going to forget doing a summary, I'm just going to tell you that we do in fact meet all of the requirements of the regulations and ultimately we think that that merits an approval. Thank you.

Chairman Hall: Comments, questions from the Commissioners? Here's your chance.

Commissioner Correll: How did you calculate the parking for the hotel?

Attorney Jacobs: Well that's a fair question that Patrick will answer.

Patrick O'Leary: It's based on a per room criteria in addition to the rooms, for the hotel itself, 124 rooms, one space for each guest room requires 124 spaces on site, in addition to that, we're providing one space for, there are thirty employees and two spaces per employee for fifteen spaces, I think I just said that wrong....

Attorney Jacobs: Yes you did, one space per employee and they anticipate four employees on any given shift.

Commissioner Correll: Okay, in other words, this is going to be a straight hotel with room use only. I mean, you know, many hotels have conference rooms, they have big events going on at night, banquets and so forth, that is why I was asking the question.

Attorney Jacobs: Not this particular hotel as we are proposing it, it's not that. This hotel is actually a rooms only.

Commissioner Correll: Okay.

Chairman Hall: Anyone else? Ed?

Ed Meehan: Question on the elevations? Does that elevation take into account the set-back for the Starbucks with the patio out front?

Alan Lampson: Yeah it did. I should have mentioned that. This is the portion right here that is Starbucks, this is the Starbucks, this is the face of the bank, so we have taken this sixty foot element and slid it back to here which is what is reflected on the site plan. This is under the roof structure, this roof structure comes right out to the corner so this entire area here is under the roof structure, even though it is outside, so we have a patio here that is covered.

Ed Meehan: Okay. Is the, the dumpster in back, a component of the building wall, is it part of the wing walls, is it free standing?

Alan Lampson: It's free standing.

Ed Meehan: Okay, I will share my staff report, planning comments with the applicant, I'm sorry I didn't get it to him already, but we have talked about it so many times at staff that it won't be new to him, but one thing that I want to put on the table, for this building and the other proposed hotel which is not here tonight to present their plans, is the opportunity to get the highest quality architecture that you can possibly get, picking up on the themes that you heard tonight, with the brick and the trim and the screening of the utilities, and I mention this about the hotel, some sort of a distinctive roof feature, that signifies that this is a gateway site. In my comments on the hotel, which I have shared with Mr. Hayes back in December, I suggested some sort of a steel standing steam steel roof, that, I get that idea from the hotel we see on Route 91 coming in from the airport at Bradley. I think this site deserves that sort of a quality look. The buildings that are going to be here, the bank, the Starbucks, possibly a retail use and a hotel, again are going to be very prominent, a four story hotel is going to be very visible from Route 9. It's going to stick out and I think it should be the best looking building we can get.

A zone change is a considerable economic benefit to the Town, as well as to the applicant. A wide variety of uses that work at this site, and I just hope it is something that the Commission will consider, and the applicant will consider.

Attorney Jacobs: We will discuss the architecture next time. Rich, do you want to say anything about that?

Richard Hayes: I just want to, for the record, my name is Richard Hayes, 1481 Pleasant Valley Road, Manchester, Connecticut, and I am the developer and owner of this piece of property, I have some partners from New York, and we own the Stop and Shop as well, as well as some other buildings in town.

We, all of my professionals here this evening will tell you that I gave them no instructions as to what to design here and what to spend, either on landscaping or as Patrick O'Leary will tell you, we made a concession for twenty-four hours, as far more technical units in the drainage system, I'm not here to nickel and dime this project. That's not my m.o., never has been. I think anybody that knows what I have built in town, knows that I try to do a first class job, knows that I spend a tremendous amount of money maintaining my properties, and that is not the objective here.

However, there has got to be a balance with everything. I'm going to be really candid with you, because you have to know where I'm coming from here this evening. I've got this hotel deal, it's

teetering, is the best word I can give you and the reason it's teetering is because they are not used to building up here. They are from Florida, and they tell me the cost to build in New England is a lot more than it is in Florida. In all honesty, it doesn't surprise me. So, we've had many discussions with Ed, probably more than Ed wants to have in reality, about the aesthetics of these different buildings. Alan, who has been working for us for just about, over twenty years that I have been involved in this business and longer for my dad, will tell you that he has designed a great number of buildings for us in that twenty year period and we don't give him instructions on what to do and how to do it, we just tell him, we want to build a quality building, Alan, don't cut any corners, give the town what they want. Ed has mentioned a standing seam metal roof, initially I had no objection to it, and then last night I was talking to Alan and he said to me, you know what that is going to cost you? And I said, no, not really, and he gave me the number, and my heart stopped for a minute and I said, well, we are going to reconsider the standing seam roof. I think I have given you everything that I can possibly give you here. That's all that I am telling you. I'm trying to get the hotel people up here and get them to make some concessions on behalf of the town, to give them a better looking building because I don't want a bad looking building down there either. That's not my objective. I'm spending a lot of money on the piece of real estate, spent a lot more money developing this piece of property, have a big investment next door, and my reputation is at stake here, so we're not going to cut any corners, I guarantee you I'm going to give you a good project, it's just that I can't get you everything. That's all that I want to mention here tonight, thank you for your time.

Commissioner Ganley: Just reinforcing what Ed had to say, there is ample precedent for us to make this kind of request, we were dealing with the hotel up on the top of Cedar Street and we worked that developer over quite a bit, to get what we wanted, and he did in fact, come back with a very, very attractive site plan, in fact he gave us an artist rendering, and it looked really good. But, there again, it was a gateway, coming in from the other end of town, so this is not a new idea that Ed has thrown on the table. We have the other hotel about the same, a very prominent looking building, and we want to have it look as best as it can when you come down that ramp into Newington, you will see a real attractive looking building and the rest of the development.

Ed Meehan: I did give to Mr. Hayes, I guess it was forwarded to your hotel people, nine or ten comments on their elevations which I think will improve it, and there was a comment in there, they talked about different materials for the face of the building, you know, substituting materials instead of real brick and I think concessions could be made, and trade-offs looked at to get an attractive building that works on that corner. I was directed to a web site that I did look at that shows alternative siding materials, which based on the web site are very attractive. They may be cost effective. I think that is where the town could maybe work with this hotel group, and with the developer.

Attorney Jacobs: Well, as Ed will tell you, nobody is working closer with the Planner than we are. We are trying to work, as Rich said, we are talking to him more than, he will be able to cut his work load down twenty percent when we stop calling him, when we are done, I think. We are trying to do it right, so we will come back next time and we will talk about the appearance of the hotel.

Chairman Hall: Everybody comfortable at this point? Okay. Thank you very much.

Attorney Jacobs: Thank you.

**VII. OLD BUSINESS**

- A. PETITION 53-07 – 102 Pane Road, RBMC LLC, owner, Kempokan Martial Arts, applicant, represented by Benjamin Thomas, 80 Sylvan Road, New Britain, CT 06053, request for Special Exception Section 3.19 and 3.15.6 place of recreation. Public Hearing closed December 12, 2007. Sixty-five day decision period ends February 15, 2008.**

Commissioner Ganley moved that Petition 53-07 – 102 Pane Road, RBMC LLC, owner, Kempokan Matial Arts, applicant, represented by Benjamin Thomas, 80 Sylvan Road, New Britain, CT 06053 request for Special Exception Section 3.19 and 3.15.6 place of recreation be approved based on the floor plan use of approximately 3,025 sq. ft. This Special Exception is for the occupancy of this space by Kempokan Martial Arts, reuse of the space by another recreational use shall require a new Special Exception and the approval of the Commission.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Hall: It's unanimous of those present. I guess we will take a voice vote. Are you in favor of it, or not, because we have people sitting in tonight.  
Correll, yes, I'm in favor of it, Schatz is not here, Pane is not here, Kornichuk, yes, Fox, yes, Preutt is not here, Niro, yes, Camerota, yes, Ganley, yes.  
So we are all set.

- B. PETITION 52-07 – 190 Fenn Road, Spin Cycle Café Laundromat, Laury Rosario applicant, Umberto Manocchio, owner, request for Special Exception, Liquor Restaurant Use, Section 6.6. Public hearing closed December 12, 2007. Sixty five day decision period ends February 15, 2008**

Commissioner Fox moved that a decision on Petition 52-07 – 190 Fenn Road, Spin Cycle Café Laundromat, Lary Rosario applicant, Umberto Manocchio, owner request for Special Exception, Liquor Restaurant Use, Section 6.6 be postponed to the Commission's January 23, 2008 meeting.

The motion was seconded by Commissioner Kornichuk.

Chairman Hall: As long as Norine has everybody here, we'll just do the yea's and nay's. We won't do the individual.

The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Hall: Petition 50-07 is in your packet tonight.

**Petition 50-07  
345 East Cedar Street  
Newington Gospel Hall  
Site Plan Modification**

Commissioner Camerota moved that Petition 50-07 – 345 East Cedar Street, Newington Gospel Hall, owner and applicant, represented by Greg Hunt, Buck and Buck, LLC, 98 Wadsworth Street, Hartford, CT 06106 request for Site Plan Modification, B-BT Zone District be approved based on plans entitled "Parking Lot Layout" dated 8/27/07 as revised, scale 1"=20' showing 17 new

spaces, total of 50. The Conservation Commission's Inland wetlands permit, Application No. 2007-06 is acknowledged and made a part of this approval.

The motion was seconded by Commissioner Ganley.

Chairman Hall: Now Ed, refresh the memory of most people who were not here the last time with this particular petition.

Ed Meehan: This is for the old WPOP building up at the top of Cedar Street. It's, the process started back in November when they came to the Commission with their site plan modification to expand the parking lot in back of the building, which is on the south side. The companion application was Inland Wetlands, and because of Christmas holidays and scheduling, you met once in December, Conservation Commission was out of the cycle, they just voted on this in December, so now it is on your table. State Statutes says you can't act on a site plan with Inland Wetlands until you get a report from the Conservation Commission, so that is why it's up for a vote tonight. It actually straddled the prior Commission.

Chairman Hall: Right, so even through we didn't sit on it, we can still can vote on it, because what we are doing is acknowledging that we have to have Conservation Commission approval.

Ed Meehan: That, and it's not a public hearing. Site plans are an administrative process so you don't need a public hearing. If this had been a public hearing you would either have had to listen to the tape, or be present at the public hearing and be a sitting Commission member, or read the minutes, so that is the difference between the public hearing and the site plan. That's why we started, the opposite of that is what we did on Culver Street. We didn't really get into the public hearing until the whole board was sitting.

The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Hall: Again, unanimous for those who are seated here tonight.

#### **VIII. PETITIONS FOR SCHEDULING (TPZ January 23, 2008 and February 13, 2008)**

- A. PETITION 60-07 78 Pane Road, Newington Knights of Columbus Corporation, Louis P. Riccelli, President, 4 Grandview Drive Newington CT 06111 applicant, John Melonopoulos owner, request for fraternal organization Section 3.10 D and Special Permit Section 6.6 Liquor Use Club license, PD Zone District. Schedule for Public Hearing January 23, 2008.
- B. PETITION 62-07 – 129 Willard Avenue, Gibbs Oil Company, 6 Kimball Lane, Lynnfield, MA 01940 owner and applicant, represented by Attorney Eric Knapp, 148 Eastern Boulevard, Glastonbury, CT 06033 request for Special Exception Section 6.2.4 pylon sign, B Zone District. Schedule for public hearing January 23, 2008.

Ed Meehan: We only have two at this point, Knights of Columbus are looking to relocate to Pane Road. They do want to have a club liquor permit so that requires a public hearing, and Petition B, 62-07, is Gibbs Oil which is the Gulf Station up on Willard Avenue. They are going forward with the plan which is to demolish that site, remove the car wash. That was all approved and in the process of filing their plans they got their drainage worked out with the Department of Transportation and town staff so that project is going to be a go. They are getting everything ready to start construction this spring.

Commissioner Niro: Where is that project?

Ed Meehan: It's next to Shop East, well it used to be Shop East, now it's Dunkin Donuts.

Chairman Hall: I think it used to be A-1, at one point.

Commissioner Niro: Are they going to take it down and put another....

Ed Meehan: They are going to demolish it, do some site remediation, put a convenience store in there, and just sell gas, no car wash any more, and the access around the back, that goes out to West Hill is going to be straightened out, where the vacuum cleaners are, is sort of a cut through there, it's all going to be cleaned up. It's a nice little re-development site.

Chairman Hall: So these will be on the 23<sup>rd</sup>, so far anyway.

Ed Meehan: And anything that you left open tonight under Public Hearing will be continued as Public Hearings. The agenda is not going to get any shorter.

**XI. PUBLIC PARTICIPATION**  
(For items not listed on agenda)

None.

**X. REMARKS BY COMMISSIONERS**

Commissioner Fox: You reminded me when you talked about the Gibbs Oil, any movement on the corner of Main Street and Hartford Avenue?

Ed Meehan: No, the site is not done, the only thing that I heard is that the owner put it out to bid and the prices came back kind of high, so they are still shopping around.

Commissioner Ganley: I saw a guy walking around Brockett Street with a set of plans when I was getting gas. So there is still somebody trying to do something there.

Ed Meehan: Mr. Ramada, I think.

Chairman Hall: Supposedly that is ready to start. They are ready to put a shovel in the ground.

Commissioner Ganley: They have to do a lot of cleaning up, there are stumps and rocks.

Ed Meehan: If you have been over to Genova Drive, Hartford Hospital is finally getting the buildings down, they are almost already out of there, the nurses quarters are down, and the cottages and the day care have been removed. So that demolition is proceeding.

Commissioner Correll: Anything doing with the grocery store?

Ed Meehan: I talked to one of the principals yesterday who was in to talk about the project. He says they have a big announcement occurring tomorrow morning.

Chairman Hall: Where is he going to do that?

Ed Meehan: I don't know, I mean, we have heard this before. He comes in, says he has a big announcement and it turns out not to be a big announcement.

Commissioner Correll: I hear there is a lot of activity going on over there.

Chairman Hall: Well they have been working, cleaning out.

Ed Meehan: We've been talking to Malcolm, Malcolm Arnold and the post office about relocating the mail boxes, get them off of Lowry, into the site. The parties are amenable to that, I'm not quite sure this is the right time to put them in there with the islands being as confusing as they are, until they get some of the construction out of the way.

Commissioner Correll: Who is going to snow plow that part?

Ed Meehan: That is one of the things that we talked about.

Chairman Hall: They don't plow it.

Commissioner Fox: I was talking to him coincidentally some time in October and he said he was going to start on the bank this month.

Ed Meehan: They haven't filed plans for the bank.

Commissioner Fox: They haven't, because he was talking about getting started this month?

Chairman Hall: They have a fence up, that's about it.

Ed Meehan: The construction drawings have not been submitted to the building department.

## **XI. STAFF REPORT**

Ed Meehan: The only other thing I want to mention under Staff Report, we met with the project engineer for Three Angels Church, at the corner of Pane and Church Street.

Chairman Hall: Seven Angels.

Ed Meehan: The plans say Three Angels.

Chairman Hall: The sign says Seven, but that's okay.

Ed Meehan: Well, that's another thing wrong with the plan then. We have a lot of issues with that plan. We wanted to redesign quite a bit of that site, and the way that we left it with them, they may have to come back to the Commission to amend their Special Exception. They were changing some of the exterior elevations, they wanted to change the portico, which was the drive through. Some things they have to do by code to meet ADA requirements, other things they were doing just to try to salvage that existing foundation, and frankly we said, you are probably better off taking the foundation out and starting again. They may reach that point when they get the cost to do it, but I'll keep you informed of what is going on there. It's exposed to the weather going on two years. Well intended, but they don't know what they are doing.

Commissioner Ganley: There are probably a lot of volunteers, putting some time in.

Ed Meehan: It's a site that is not a happy site with neighbors. There are a lot of questions, the neighbors have been very patient with that property.

A. Bond Reductions and Releases.

Ed Meehan: There is nothing right now.

**XII. ADJOURNMENT**

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Kornichuk. The meeting was adjourned at 10:47 p.m.

Respectfully submitted,

Norine Addis,  
Recording Secretary